

Staff Correspondence Vol. II: Cole

2002

S1832-153-1

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

December 23, 2002

Mr. Keith Kelley
Baltimore County Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 02-15 John F. Fischer and Isabell C. Kerr Variance Request

Dear Mr. Kelley,

This letter contains the comments and recommendations of the Critical Area Commission on the variance requested by John F. Fischer and Isabell C. Kerr. The applicants have requested the Baltimore County Department of Environmental Protection and Resource Management to grant an after-the-fact variance for a garage whose foundation has been constructed within the 100' Critical Area Buffer to a tributary stream without a building permit. The applicants have created 1,920 square feet of disturbance for a foundation within the 100' Critical Area Buffer. The affected grandfathered parcel measures 0.53 acres and is located in the designated Limited Development Area of Hopkins Creek. Based upon State law and the County's Critical Area Program, the Critical Area Commission strongly urges the Department of Environmental Protection and Resource Management to deny the requested variance.

1. Denial of the variance as requested is not an unwarranted hardship. In this case, there exists nothing peculiar to the land or structure within the jurisdiction's Critical Area that would result in an unwarranted hardship to the applicants. In accordance with the information shown on the applicants' site plan, there appears to be sufficient area outside the 100' Critical Area Buffer to construct a garage of this size on this lot. In determining whether an applicant will suffer an unwarranted hardship, the use of the entire parcel must be considered. See Maryland Annotated Code, Natural Resources Article § 8-1808(d)(2) (2002).
2. Literal interpretation of the County's Critical Area program and related ordinances will not deprive the applicants of rights commonly enjoyed by other properties in similar areas within the County's Critical Area. The applicants' own statement indicates that there are no other properties in the area with a similar situation, i.e., a garage in the 100' Critical Area Buffer. Therefore, the applicants would not be deprived of any right currently being enjoyed by his neighbors under the Critical Area Program.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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3. The Department would be conferring upon the applicants a special privilege that would be denied to other lands or structures within the jurisdiction's Critical Area. New development in the 100' Critical Area Buffer is prohibited. The Buffer functions to protect water quality and to provide transitional habitat between aquatic and upland communities. These functions are compromised when clearing, construction, and other development activities occur within the Buffer. There is sufficient area outside the Buffer on this lot to construct the proposed garage.
4. The variance is a case of self-created hardship. The variance request must not be based upon conditions or circumstances which are the result of the actions by the applicant. The applicants clearly created the problem when they constructed the foundation for the proposed garage in the 100' Critical Area Buffer. Furthermore, the applicant did so without the benefit of a building permit. These actions are not permitted by County or State regulations. Had the applicant applied for a permit, he would have been advised that the proposed location in the Buffer was unacceptable. This is clearly a case of self-created hardship.
5. The variance would be contrary to the spirit and intent of the Critical Area Program, and would adversely impact fish, wildlife, and plant habitats within the County's Critical Area. The garage is located in the 100' Critical Area Buffer to a tributary stream. The garage is not only located at the top of a 25% slope, but its foundation has been dug into the side of the slope. This disturbance sets up erosive conditions which have the potential to cause sedimentation and deposition impacts to the tributary stream located just below the garage. The sedimentation would harm both aquatic and fisheries habitats, and the deposition would alter the character of aquatic, wildlife and plant habitats by changing the elevations of the floodplain, covering aquatic organisms, and displacing existing vegetative communities.

In considering variance applications, a local jurisdiction is required to determine that an applicant meets each one of the variance requirements. In this case, the applicant has failed to demonstrate that he meets each of the standards, and we urge the County to deny this request.

No proposed driveway to the garage is shown. The site plan shows existing impervious areas which have not been quantified in the application. These impervious areas include the macadam driveway, a gravel driveway, and a concrete pad. These areas must be quantified and stated on the site plan.

Please provide this office with a copy of the written decision made in this case. Feel free to contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,



Wanda Diane Cole
Natural Resources Planner

cc: BC 699-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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December 16, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2127 Robert A. & Michell W. Faulkner

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes to demolish an existing dwelling and replacing it with a larger dwelling. The existing dwelling is partially located in the 100' Critical Area Buffer of Choptank River. This is a grandfathered lot located in the LDA.

The information provided did not show the locations of the Buffer line and sewage reserve area. Information was not provided regarding any clearing of forest vegetation. The amount of existing vs. proposed impervious surfaces is not stated, it appears an increase in impervious area within the Buffer is being proposed, and the driveway is not shown. Without this information, I am unable to determine if there is opportunity to construct the new dwelling outside the Buffer.

We request the Board of Appeals to defer a decision on this case until such time as the above mentioned information has been provided for our review. Please provide this office with a copy of the written decision made in this case.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: DC 620-02

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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December 11, 2002

Ms. Patricia Farr
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, MD 21204

Re: Critical Area Commission Approval of Refinement
Bills 79-01, 94-02 and 103-02 Recodification of Baltimore County Codes

Dear Pat,

I am pleased to inform you that, on December 4, 2002, the Critical Area Commission concurred with Chairman North's determination that the referenced change to the County's Critical Area program be approved as a refinement. This refinement includes changes in legal language and style to the Baltimore County Codes, which include the County's Critical Area Criteria. These changes are intended for consistency with Maryland legislative language and will not result in any substantive changes to the Codes.

Please provide copies of all of the reprinted documents when they are available. Thank you for your participation and assistance in this process. If you have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: BCA-15

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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December 13, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 02-1826 Green's Rest Farm, Lot 6 Variance Request

Dear Theresa,

Thank you for the opportunity to comment on the above referenced variance request, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes the construction of a sewage reserve area (SRA), dwelling with garage, deck and driveway, and a future pool in the Critical Area Buffer which has been expanded for contiguous steep slopes of 15% and greater. This is a grandfathered lot located in the RCA of St. Mary's River.

Please note that the site plan we received shows the Buffer line at the 100-foot location rather than at the limits of the expanded Buffer. The site plan must be revised to show the correct location of the expanded Buffer line.

We do not oppose this variance. I discussed this case with Ann Rose at St. Mary's County Health Department's Division of Environmental Health, regarding the history of the perc tests performed for this subdivision, as well as the current requirements for sewage reserve areas. As a result of those discussions, I do not oppose this location for the SRA.

Please note that the existing forest is Forest Interior Dwelling Species (FIDS) habitat. Accordingly, we recommend that 3:1 mitigation be required so as to create FIDS habitat off-site, as discussed in *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, June 2000*.

If the applicant pays a fee-in-lieu of actual planting, it is important to ensure that FIDS habitat is created when the fees are expended. The tracking of FIDS mitigation must be maintained separately from mitigation fees paid for Buffer mitigation.

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Please provide a copy of the written decision made in this case. If you have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

Handwritten signature of Wanda Cole in cursive script.

Wanda Cole
Natural Resources Planner

cc: SM 703-02
Lori Byrne
Dr. William B. Icenhower

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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December 11, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
23150 Leonard Hall Drive
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 02-2653 Daniel J. Hayenga Variance Request

Dear Theresa,

Thank you for the opportunity to comment on the above referenced variance request, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes the construction of a porch which will result in the net increase of 288 square feet of new disturbances in the 100' Critical Area Buffer. This is a grandfathered lot located in the LDA of Patuxent River.

We do not oppose the granting of this variance. The site is largely constrained by the Buffer, and the project will not exceed the parcel's maximum impervious surface area allowance. We recommend the variance include a condition requiring the 3:1 mitigation for new disturbances in the Buffer be accomplished on-site in the Buffer.

Please provide this office with a copy of the written decision made in this case. If you have questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: SM 704-02

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December 10, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: # 442B P.O.K. of North America, Inc. (Jean-Marc Tasse') Site Plan

Dear Mr. Dodd,

Thank you for the opportunity to review and comment on this site plan, which proposes expansion of the assembly plant on a parcel located in the LDA of Choptank River. It appears the 100' Critical Area Buffer does not occur on this parcel. The following comments are provided for your use.

1. It appears a portion of this parcel may lie outside the Critical Area. The Critical Area boundary must be shown. The amount of acreage, impervious surfaces, and existing forest located in the Critical Area must be quantified and stated on the plan.
2. It is not clear whether this is a grandfathered parcel. This parcel and parcel 139 do not appear on the Critical Area maps approved with the County's Critical Area Program. Please verify the date this parcel was recorded.
3. This parcel has less than 15% existing forest cover and may require additional plantings to meet the 15% afforestation requirement. If this parcel is part of a subdivision that occurred after the County's Critical Area Program went into effect, please provide information regarding the afforestation requirements at the time of subdivision and whether they have been met. If this is a grandfathered lot, the applicant should be encouraged to provide additional forest cover plantings.
4. The plan includes a note that wetlands on-site have not been designated. The MERLIN database does not show wetlands occurring on this parcel. However, the applicant must provide a statement as to whether the parcel was examined in the field for the presence of wetlands. If wetlands occur on this parcel, they must be delineated.

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5. It appears no mitigation will be required since no HPA impacts are proposed, nor will there be any clearing of existing forest cover.

If you have any questions regarding these items, please feel free to contact me at 410-260-3481.

Sincerely,

Wanda Diane Cole

Wanda Diane Cole
Natural Resources Planner

cc: DC 698-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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December 10, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 02-1127 Vallario: After-the-Fact Variance Request

Dear Theresa,

Thank you for the opportunity to comment on the above referenced variance request. The applicant has constructed a 221 square foot deck without a building permit. The deck is located in the 100' Critical Area Buffer of a grandfathered lot in the designated LDA of Patuxent River.

We do not oppose the granting of this variance. The lot is largely constrained by the Buffer and a portion of the house is already located in the Buffer. We recommend that the variance include a condition that the required 3:1 mitigation for new disturbance in the Buffer be accomplished on-site in the Buffer.

Please provide this office with a copy of the written decision made in this case. If you have questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Cole
Natural Resources Planner

cc: SM 702-02

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Critical Area Commission

STAFF REPORT

December 4, 2002

APPLICANT: Baltimore County

PROPOSAL: Refinement –Recodification of the Baltimore County Zoning Ordinances: Bill 79-01 Development; Bill 94-02 Environmental Protection and Resource Mangement; and Stormwater Management Fund; Bill 103-02 Planning; Zoning; and Growth Allocation

JURISDICTION: Baltimore County

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concurrence with Chairman's Determination of Refinement

STAFF: Wanda Cole and Mary Owens

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article, § 8-1809(p)

DISCUSSION:

Baltimore County has completed a comprehensive effort to revise the Baltimore County Code which is required to be updated every ten years. The recodification of the County's regulations includes changes in the style and language to make it consistent with standard State regulatory language, but these changes are generally considered nonsubstantive changes. The revisions also put like subjects together, remove redundant provisions, and amend tabulation and codification to provide for more effective references and citations. From this effort, many bills were proposed and approved. Three of these bills include references to Critical Area elements, although the bills themselves do not pertain to the Critical Area in their entirety.

Bill 79-01 revises, restates, and recodifies the laws of the County relating and pertaining to the general powers and duties of various departments and officers of the County, development plats, public and private improvements, development and concept plans, hearings, appeals, and reclamation of property. This bill repeals sections of Title 26, Planning, Zoning and Subdivision Control and incorporates them into Article 32, Title 4, Development. These changes are generally non-substantive. New language includes substitutions of references to provide clarity and consistency. This bill pertains to development activities proposed both within and outside

the Critical Area, and includes the Critical Area variance standards language.

Bill 94-02 revises, restates, and recodifies the laws of the County relating and pertaining to the following issues: 1) Chesapeake Bay Critical Area; 2) protection of water quality, streams, wetlands, and floodplains; 3) stormwater management; 4) excavations, grading, sediment control, and forest management; 5) forest conservation; and 6) storage of petroleum products and hazardous substances.

Changes to the Critical Area provisions include combining material that appeared in former Title 14, Article VIII with the Critical Area material in former Title 26, Article VIII into a single title, Title 2, in Article 33 of the Code. In some cases this meant combining material from two different sections into one section. This resulted in combining enforcement language and penalty provisions from the two former titles, which were not uniform. The resulting language is slightly different from the former text, but is generally consistent with the former provisions.

Another significant change covered by Bill 94-02 is that where possible, the Bill has combined definitions for the entire code, into a single article. The definitions have been drawn from the six former articles. In some cases, there were four slightly different definitions for the same term, which created problems with interpretation and coordination among the various County agencies.

Bill 103-02 revises, restates, and recodifies the laws of the County relating and pertaining to planning, zoning, and growth allocation. Most of the changes that will result from the bill affect the County's process for reviewing and acting on projects involving the use of growth allocation.

The recodification effort is not intended to represent the required comprehensive review of the County's Critical Area Program. Baltimore County's comprehensive review was scheduled to be accomplished in 1999, and some of the initial review efforts have been completed. The comprehensive review is now anticipated to be completed in the summer of 2003. Commission staff and County staff believe that the recodification will facilitate a more effective and efficient review because many minor style and grammatical issues have been addressed and the reorganization has resulted in a more concise document.

After holding public hearings, the Baltimore County Council approved Bill 79-01 on October 1, 2001, Bill 94-02 on October 21, 2002, and Bill 103-02 on November 18, 2002. The County has requested the Commission approve these bills as a refinement to its Critical Area Program. Chairman North has determined that this request is a refinement to the County's program and seeks the Commission's concurrence.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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December 2, 2002

Ms. Patricia Farr
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, MD 21204

Re: Bills 79-01, 94-02 and 103-02: Recodification of Baltimore County Codes

Dear Pat,

On December 2, 2002, the Critical Area Commission received your request to approve as a refinement the recodification of Baltimore County's zoning Code. The recodification process updates the Code using Maryland legislative language and style. We have accepted the information as a complete submittal, and Judge North has determined that this request may be processed as a refinement to the County's Critical Area program. The Commission will review the refinement on December 4, 2002.

It is my understanding that you will be attending the Program Subcommittee meeting to answer any questions that may arise. I have forwarded to you by email information regarding the meeting location and agenda, and a copy of my staff report. If you have any questions, please feel free to call me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: BCA 15

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Cole, Wanda

From: Cole, Wanda
Sent: Monday, December 02, 2002 9:26 AM
To: 'Roy Fedders'
Subject: RE: 100 foot buffer & the Chesapeake Bay

Dear Mr. Fedders.

Thank you for your request for information and sharing your concerns about activities in the Critical Area Buffer.

The State's Critical Area requirements are delegated to local governments for implementation on local projects. In some jurisdictions, the local requirements are stricter than the State's requirements. Local programs must not be less restrictive. Projects located in the Critical Area of St. Mary's County must adhere to the requirements set forth in the County's Ordinances. Local projects that fall within certain categories are sent to this office for review and comment, e.g., disturbances > 5,000 square feet within the RCA.

The local zoning ordinances address various land uses in the county, campers included.

The County also has specific requirements regarding tree removal in the 100' Buffer. Generally, development and disturbance of forest vegetation is prohibited in the Buffer. There are, however, a few specific situations in which activities may occur in the Buffer.

If the lot is grandfathered, it is entitled to at least one density right, provided it complies with current development standards set by the local ordinances and state health laws. Some grandfathered lots are so small that the 100' Buffer may cover the entire property. The development of the homesite would have no alternative on that lot but to build in the Buffer. A variance would be required for development proposed in the Buffer.

Certain water-dependent facilities, such as marinas, boatyards, public boat ramps, et al, are permitted in the Buffer without a variance provided they meet specific sets of standards. The County's ordinances list the types of water-dependent facilities that may occur in St. Mary's County and the standards they must meet. Piers, shore erosion control projects, and access to the shoreline are also permissible uses of the Buffer.

All of the above projects require mitigation. The mitigation ratio will depend on the use, the amount of new disturbance proposed in the Buffer, the percentage of existing forest cover on the parcel, and the percentage of existing forest cover to be removed. At the very minimum, replacement will be 1:1.

For further information on Critical Area requirements in St. Mary's County, please contact Ms. Theresa Dent, St. Mary's County Department of Planning and Zoning, at 301-475-4670.

Regarding placement of dredged material placement (DMP) sites, non-water-dependent structures or operations associated with water-dependent projects or activities are prohibited in the Buffer. A DMP does not have to be near or at the shoreline in order to serve its purpose, therefore, it would be considered non-water-dependent. If there is an existing DMP located in the Buffer during a past dredging operation, it may be used again if it has enough capacity for another dredging operation. New DMP sites must seek an upland area outside the 100' Buffer. If hydraulic dredging is performed, thus requiring the use of discharge pipes and an outlet channel, it may be necessary to place the outlet channel across the Buffer so that the discharge can directly enter a receiving waterway without eroding the land. The outlet channel could be viewed as an associated water-dependent operation, or as a utility that must cross a habitat protection area, and permitted in the Buffer... provided it meet certain development standards that minimize impacts to water quality and wildlife habitat. The county ordinances would address these standards.

I hope this information has been helpful. If you need additional assistance, please call Theresa Dent, or myself, at 410-260-3481.

Wanda Diane Cole

12/2/2002

Natural Resources Planner
Critical Area Commission for the Chesapeake and Atlantic Coastal Bays
1804 West Street, # 100
Annapolis, MD 21401
Office: 410-260-3481
FAX: 410-974-5338

-----Original Message-----

From: Roy Fedders [mailto:royhobie@earthlink.net]
Sent: Saturday, November 30, 2002 9:03 PM
To: wcole@dnr.state.md.us
Subject: 100 foot buffer & the Chesapeake Bay

Dear Ms. Cole,

I reside along the Western shore of the Chesapeake Bay in St. Mary's County. I am the President of the St. Jerome's Creek Citizens Association which consists of 286 families. Recently I have been told a person can purchase a lot along the Chesapeake Bay, (within the critical area, AND the 100 foot buffer and then place a camper on the lot within the 100 foot buffer. The person attempting to purchase the lot may attempt to take some trees down as well. First of all, I am concerned about automobiles such as campers leaking oil and other fluids from the vehicles and in to the Chesapeake Bay, assuming they are allowed to camp close to the Chesapeake Bay. What is the law concerning campers and the Chesapeake Bay? What is the law about camping "in general" within the 100 foot buffer?

I am currently in the process of working with the State of Maryland, St. Mary's County and the Army Corps of Engineers to locate an area near St. Jerome's Creek to dispose of the dredge material. Are there any laws that cover dredge material within a 100 foot buffer? No dredging has started as of today. Still in the process of locating property for the dredge material. Please provide your response to my questions as soon as possible. Thank you.

Roy Fedders
St. Jerome's Creek Citizens Association
President

12/2/2002

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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November 27, 2002

Mr. Reed Faasen
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: VR 02-0108 Rock Hall Farm (Jackson Lee Lancaster)
Buffer Management Plan

Dear Reed,

Thank you for the opportunity to comment on this buffer management plan. The applicant proposes to construct a revetment and boat ramp that will require grading of the bank to obtain fill for use under the revetment, and to obtain a suitable slope for the boat ramp. The project lies within the RCA of Wicomico River.

An additional 2,058 square feet of mitigation plantings must be provided. At the 2:1 ratio for offsetting disturbances to the Buffer for shoreline access, mitigation plantings will total 6,338 square feet. The 1:1 replacement ratio for clearing trees for shore erosion control projects results in 2,120 square feet of mitigation plantings. The plan shows 6,400 square feet of mitigation plantings being provided, resulting in a deficit of 2,058 square feet.

Red maples are shallow-rooted and become top-heavy as they mature, making them vulnerable to windfall. They do not make suitable shoreline plantings in areas exposed to high winds and unstable soils. I recommend the use of a species that grows a deep tap root, perhaps an oak, to replace the red maples.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 576-01

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November 27, 2002

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, MD 21204

RE: 01-11 John McKeever
Lots 86 & 87 Revolea Beach Road

Dear Keith,

Thank you for providing the revised information on this variance application. The applicant has agreed to maintain impervious surface areas and forest clearing within allowable limits, and to utilize materials for driveways and walkways that will allow infiltration of rainfall. However, he has not shown the limits of disturbance relative to the location of the nontidal wetlands that occur on these properties. The disturbances to the nontidal wetlands are what create the need for this variance.

Our office cannot support the granting of a variance based upon the information provided thus far, and we again request that a decision regarding this variance be set aside until such time as the appropriate information is provided for review. Without specific information on the location, size, and type of nontidal wetlands that occur on this property, it is impossible to accurately determine the losses or intrusions into them. The limits of disturbance within these nontidal wetlands must be shown, to scale, on a site plan, and then quantified. The limits of clearing must be shown, to scale, on a site plan and the amount of forest loss quantified. Mitigation to offset the loss of forest habitat is a requirement of the Critical Area law, and mitigation to offset impacts to nontidal wetlands is a requirement of the Nontidal Wetlands Protection Act. Regardless of their quality or type, mitigation is not an option, and mitigation plans must be provided accordingly.

Please contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: BC 548-01

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**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 27, 2002

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 02-14 Stansbury Yacht Basin Variance Request

Dear Keith,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing to fill several low areas that have developed in the marina boat storage yard. These areas are located in the 100' Critical Area Buffer in the designated LDA of Dark Head Creek.

This office does not oppose the granting of a variance for this request, as it constitutes maintenance of existing conditions. We encourage the applicant to consider opportunities to provide additional tree and shrub plantings on-site to improve water quality.

Please provide this office with a copy of the written decision made in this case. Feel free to contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: BC 675-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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November 27, 2002

Mr. Butch Bailey
Nokleby Surveying, Inc.
46925B Shangri-la Drive, S.
PO Box 736
Lexington Park, MD 20653-0736

Re: SMSUB # 02-110-028 Long Point Subdivision, Lots 15 & 16
Revised plat for Cameron Kashani and Donna Bownes Properties

Dear Butch,

Thank you for providing a copy of the revised plat, in which you have addressed all the comments in my October 16, 2002 letter to Theresa Dent. Thank you, too, for providing a copy of the 1946 subdivision plat. It was both interesting and informative.

I have one last comment regarding the location of the Critical Area Buffer line on Lot 15:

- The area along the shoreline between the western property line and the Tm soil division line must show a 100' Buffer line. Please extend the east end of Lot 16's Buffer line over to the division line between the Tm and MtA soils on Lot 15.
- The Buffer becomes expanded once you reach the Tm soils on Lot 15, so you will need to show hatch marks over that area, as well. The house, wooden sheds, large barn, and a small portion of the small barn will then be shown located outside the Buffer.

Thank you for providing these items. It has been a pleasure working with you.

Sincerely,

A handwritten signature in cursive script that reads "Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: SM 637-02
Theresa Dent

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Cole, Wanda

From: Cole, Wanda
Sent: Tuesday, November 26, 2002 11:48 AM
To: 'Offenbacher'
Subject: RE: Cat Creek
Neal,

I am not aware of any past cases with this same set of circumstances. For data on water circulation, et al, you might start with the the Tidal Wetlands division at MD Dept of the Environment in Baltimore. Contact Bob Tabisz at 410-537-3837. Or, try the Corps of Engineers' Baltimore District office. Sandy Zelen, who is their Chief of Enforcement, is also a hydrogeologist. Her number is 410-962-6028 or 3675.

Over the years, the Corps' waterway experiment stations have researched various watersheds in the US and published reports. Whether the Bay is one, I'm not sure. You might also look at the various reports published by the Chesapeake Bay Program.

The following links may lead you to the information you seek. Don't let the odd names keep you from browsing a site. They each have great information that can be useful.

www.chesapeakebay.net
www.watershedradio.org
www.cwp.org
www.csc.noaa.gov
www.vims.edu
www.eyesonthebay.net
www.mgs.state.md.gov
www.dnr.state.md.us/bay/monitoring
www.usace.army.mil/public

Good luck!

Wanda Diane Cole
Natural Resources Planner
Critical Area Commission for the Chesapeake and Atlantic Coastal Bays
1804 West Street, # 100
Annapolis, MD 21401
Office: 410-260-3481
FAX: 410-974-5338

-----Original Message-----

From: Offenbacher [mailto:joffenbacher@erols.com]
Sent: Tuesday, November 26, 2002 11:12 AM
To: wcole@dnr.state.md.us
Subject: Cat Creek

Diane, we met at Cape St. Mary's Marina on the Patuxent River several months ago with Theresa Dent of St. Mary's County Dept of Planning and Zoning. I will be applying for Growth Allocation (LDA to IDA with Buffer Exemption) for the marina and am looking for help with a Water Quality Report. Can you provide me with a copy of a report with similar characteristics or point me in the right direction for information on existing water circulation patterns, salinity regimes and flushing characteristics.

Thanks, Neal Offenbacher

11/26/2002

CH County
Reader

Cole, Wanda

From: Sweeney, Tracy
Sent: Tuesday, November 26, 2002 12:29 PM
To: Cole, Wanda
Subject: RE: {MDDNR#015-435} wetlands by Golf Courses



Sweeney,
Tracy.vcf

Thank you, I forwarded your response to Mr. OBrien, I meant to copy you but my fingers were too quick to hit the send button. Sorry.

Tracy Weissmueller Sweeney
Maryland Department of Natural Resources
(410) 260-8632
fax: (410) 260-8640
<http://www.dnr.state.md.us/bays.html>
<<http://www.dnr.state.md.us/bays.html>>

-----Original Message-----

From: Cole, Wanda
Sent: Tuesday, November 26, 2002 12:19 PM
To: Sweeney, Tracy
Cc: Owens, Mary
Subject: FW: {MDDNR#015-435} wetlands by Golf Courses

Tracy,

Mary Owens asked me to assist you with this request for information. I hope the following information will be helpful to you.

Common reed is also called phragmites, which is a non-native, invasive plant found in wetland situations. Eradication of this plant is encouraged. DNR houses a phragmites control program that provides technical assistance to landowners for this purpose.

It is not a violation of the Critical Area law to cut phragmites, although Charles County government requires Buffer Management Plans for control of invasive species in the Critical Area. Ms. Elsa Ault, a Planner at Charles County Planning and Growth Management, may be reached at 301-645-0653 for specific information on the County's Buffer Mgmt Plan requirements.

The MD Dept of the Environment Tidal Wetlands Division becomes concerned when beneficial wetland plants are being removed by the root. For more information on protection of tidal wetlands, please contact Rick Ayella, Chief, Tidal Wetlands Division, at 410-537-3837.

Irregular cutting of wetland vegetation does not kill the plant; sometimes it encourages thicker regrowth. Phragmites, which spreads by rhizomes and by seed, will re-emerge in the spring.

Cutting vegetation in the winter when it has died back does not cause water quality or wildlife impacts. The dead vegetation is not capable of providing nutrient uptake. Wildlife does not breed in the winter, so the vegetation is not needed for nesting habitat. Phragmites seed are thought to have no wildlife food value. Other than protection from predators and wind, phragmites has no value, dead or alive.

Please contact me directly if you need additional assistance.

Wanda Diane Cole
Natural Resources Planner
Critical Area Commission for the Chesapeake and Atlantic Coastal Bays
1804 West Street, # 100
Annapolis, MD 21401
Office: 410-260-3481
FAX: 410-974-5338

-----Original Message-----

From: Customer Service
Sent: Tuesday, November 19, 2002 4:06 PM
To: Owens, Mary
Subject: {MDDNR#015-435} wetlands by Golf Courses

Mary,

I received this email via Talisma. Tom Parham suggested that your group may want to deal with this. Thanks!

Tracy Sweeney
<http://www.dnr.state.md.us/bays.html>
Maryland Department of Natural Resources
Maryland's Bays and Streams

015-435

Case - {015-435}

Request received from W O'Brien on November 19 2002, 08:51 AM

From: W O'Brien
Date: Tuesday, November 19, 2002 08:51 AM
To: customerservice@dnr.state.md.us
Subject: wetlands by Golf Courses

I live in a community which has a golf course associated with it. Every winter the course management cuts the common reed in the marsh back to improve visibility along the course claiming that the cutting improves the following years growth. The reeds border the Weir Lake which is a part of the Potomac river and is located in Southern Charles County. It seems to me that this cutting of the reeds is an unnecessary intrusion into the wetland. Is this type activity prohibited? Thanks, Walt O'Brien

Assigned to njames by njames on November 19 2002, 10:12 AM

Transferred case 015-435 from CS\The well to CS\Bays and Streams by njames on November 19 2002, 10:12 AM

Assigned to (None) by njames on November 19 2002, 10:12 AM

Assigned to TSWEENEY by TSWEENEY on November 19 2002, 02:45 PM

Sent to Specialist Parham, Tom by TSWEENEY on November 19 2002, 02:45 PM

From: Bays and Streams (customerservice@dnr.state.md.us)
Date: Tuesday, November 19, 2002 02:45 PM
To: Parham, Tom
Subject: {MDDNR#015-435} wetlands by Golf Courses

know the answer?

Tracy Sweeney
<http://www.dnr.state.md.us/bays.html>
Maryland Department of Natural Resources
Maryland's Bays and Streams

<<File: 015-435.txt>>

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 20, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 020859 Henry Cabbage Parcel A

Dear Elsa,

Thank you for providing a copy of the revised site plan. The plan has addressed all of the site's environmental features and their appropriate buffers. Forest clearing has been reduced by repositioning the septic lines, and by re-designating the location of the initial drain fields of the SRA. The notes regarding the forest mitigation requirement, allowing natural regeneration of the unauthorized clearing, and the location of project relative to the Natural Heritage Area have been provided.

The impervious surface note has been changed to show the 15% limit, however, the calculations in the table were based upon the entire tract's acreage. Impervious surface percentages must be calculated after deducting the State tidal wetland acreage.

The plan does not show the location of the mean high water line in order to determine the limits and quantify the amount of State tidal wetlands. The property line is shown extending into Nanjemoy Creek in some areas, so that the entire tract's acreage includes open water areas of State tidal wetlands.

However, the upland area outside the expanded Critical Area Buffer is constrained to 30,000 square feet, and once the SRA is excluded, it would be almost impossible to build out the 25,449 square feet of allowable impervious surface area being shown.

I spoke with Lori Byrne at the Wildlife and Heritage Division today. Lori informed me that the development envelope and unauthorized access lane are not located within the Nanjemoy Creek Natural Heritage Area, however, the forested area of this property is FIDS habitat. Lori will follow up with an official letter regarding this information.

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It appears that the standard FIDS guidelines have been utilized at this site to the greatest extent possible. FIDS mitigation must be calculated using the worksheet found in *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*. Please provide this office with a copy of the completed worksheet when it is available. FIDS mitigation must be accomplished as FIDS habitat. Since there is little opportunity to provide mitigation on-site, we recommend that any off-site mitigation, whether accomplished by the applicant or via the fees-in-lieu program, be located adjacent to existing FIDS habitat.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481. If you need assistance with the FIDS conservation worksheet, feel free to contact Claudia Jones at 410-260-3476 or myself.

Sincerely,

Wanda Diane Cole

Wanda Diane Cole
Natural Resources Planner

cc: CS 536-02
Lori Byrne
Claudia Jones

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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November 18, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
PO Box 653
Leonardtown, MD 20650-0653

Re: MSUB # 02-110-032 Lot 1 Kevin McGowan Minor Subdivision

Dear Theresa,

I have reviewed the above referenced subdivision, which is being created under the Critical Area intra-family transfer provisions. The 25.886 acre parent parcel contains 17.07 acres located in the RCA of St. Clements Bay. This subdivision will utilize one of three Critical Area density rights possible under the intra-family subdivision process.

I am providing the following comments for your use:

1. If the Tidal Marsh soils shown in the northeast corner of the parcel support tidal marsh vegetation, the 100' Critical Area Buffer must be delineated from the landward edge of the tidal wetland. The presence of tidal wetlands on the property must be field determined, as the National Wetlands Inventory maps are for guidance purposes only.
2. It is unclear whether the mean high water line and the property line along St. Clements Bay coincide. The plat must show the location of the mean high water line relative to the property line. If the property line extends channelward of the mean high water line, the 100' Buffer must be delineated from the mean high water line or the landward limit of vegetated tidal wetlands. The Buffer must be field delineated.

We request a copy of the revised plat once it is available. We may have additional comments based upon the new information.

Please call me at 410-260-3481 if you have questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: SM 657-02

Little Silences Rest, Inc. (410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 15, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
23150 Leonard Hall Drive
PO Box 653
Leonardtown, MD 20650-0653

Re: SMSUB # 02-110-031 Evelyn Clarke Subdivision: Lot 1 and Outlots 1, 2 & 3

Dear Theresa,

Thank you for the opportunity to review and comment on the plat for the above referenced subdivision. The applicant proposes the creation of Lot 1 around an existing dwelling, and Outlots 1, 2 & 3. The outlots have no density are considered unbuildable.

I am providing the following comments for your use:

1. The St. Mary's Soil Survey suggests there is a tributary stream associated with the ravine on the west end of this parcel. If a stream is present, it must be shown on the plat and a 100' Buffer delineated alongside it.
2. Critical Area note # 3 refers to tidal and nontidal wetlands. The plat does not show these features as being present. These features must be field-verified and shown on the plat. If they are not present, note # 3 should be deleted as it would be unnecessary.
3. Soils information must be shown on the plat. The Soil Survey shows Othello soils occurring on this parcel. Othello soils are hydric and capable of supporting wetland vegetation.
4. General note # 11 is confusing. It appears to conflict with the title of the plat, which includes 3 outlots.
5. General note # 18 is misleading. While the Forest Conservation Act may not apply to this parcel, the Critical Area forest conservation requirements do apply. This statement must be revised to indicate the Critical Area forest conservation criteria, or be deleted altogether.
6. The lots referred to in General note # 22 must be clarified. This plat shows Outlots 1-3,

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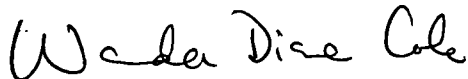
however, there are no Lots 1-3 shown.

7. The SRA for the existing house must be shown.

Please forward to me a copy of the revised plat once it is available. I may have additional comments based upon the revised information.

Please call me at 410-260-3481 if you have questions regarding these comments.

Sincerely,



Wanda Diane Cole
Natural Resources Planner

cc: SM 656-02
Nokleby Surveying

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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(410) 260-3460 Fax: (410) 974-5338

November 15, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
23150 Leonard Hall Drive
PO Box 653
Leonardtown, MD 20650-0653

Re: SMSUB # 02-100-009 Lovers Retreat Lot 1

Dear Theresa,

Thank you for providing the revised plat for this subdivision, in which Lot 1 has been enlarged from 2 acres to 27. I am providing the following comments for your use:

1. Please verify the acreage figures as the size of this lot and the acreage located in the Critical Area are unclear. Critical Area note # 1 indicates there are 11.85 acres in the Critical Area while the label for Lot 1 states 8.4. Similarly, general note # 2 states the lot size as 27.27 acres vs the 23.82 acres stated in the label for Lot 1.
2. Critical Area note # 2 is unnecessary and confusing if the 100' Buffer is not present on this lot.
3. Similarly, Critical Area note # 3 is unnecessary if wetlands do not occur on this lot. The presence of nontidal wetlands must be field-verified, as the National Wetlands Inventory maps are for guidance purposes only.
4. General note # 18 indicates the soils types are shown on the plat, however, I could find no information to that effect. The St. Mary's Soil Survey shows Othello soils in the eastern end of this lot (where the SRA is located). Othello soils are hydric and could support nontidal wetlands.
5. Critical Area note # 4 should include a statement that 15% afforestation must be provided for this lot. This would be an appropriate time to designate an afforestation planting area.
6. Critical Area note # 5 indicates that the location of natural heritage areas, etc., are identified on the plat. I could not find any information on the plat to that effect. If these areas are not present, this statement should be made. A copy of the Wildlife and Heritage

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determination letter regarding the presence of rare, threatened and endangered species, and/or their habitats, at this site must be provided to this office prior to granting any approvals for this subdivision.

7. General note # 20 indicates this lot is located in Zone A, a 100-year floodplain. The limits of Zone A must be shown on the plat. If there is a stream associated with this Zone A, it must be shown on the plat, and a 100' Buffer delineated along its length if it is a tributary stream to Breton Bay. Some floodplains are capable of supporting wetland vegetation.

We request a copy of the revised plat once it is available. We may have additional comments based upon the revised information.

Please call me at 410-260-3481 if you have questions regarding these comments.

Sincerely,



Wanda Diane Cole
Natural Resources Planner

cc: SM 136-02
Little Silences Rest

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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(410) 260-3460 Fax: (410) 974-5338

November 15, 2002

Mr. Mike Kulis
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 02-13 Margaret Ebersberger, et al. Variance Request

Dear Mike,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing to subdivide a 1.2 acre parcel into three lots. This parcel is located in the LDA of Back River. Due to site constraints and local setback requirements, the required stormwater management facilities cannot be installed. Therefore, the applicant is requesting a variance from the Critical Area stormwater requirements.

We are not able to provide comments at this time as we need additional information for our review. Please send a copy of the subdivision plat and environmental features plan. I will provide comments once I have reviewed that information.

Please contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc.: BC 668-02

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Ren Serey
Executive Director

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November 13, 2002

Ms. Patricia Farr
EIR Supervisor
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Md 21204

Re: Celmer Property Special Exception

Dear Ms. Farr,

Thank you for providing the background information on the above referenced special exception. This is a 12-acre parcel located in the RCA of Back River. This property has been used for soccer practice and parking since 2000. The Celmer family has requested a special exception to permit an additional practice field and parking.

The description indicates agricultural use has occurred on this parcel. It also lists the presence of forested areas, nontidal wetlands, and 100-year floodplain. However, the plan does not indicate how much forested area existed on the property prior to its conversion to recreational use in 2000. We have the following comments regarding the special exception.

We do not oppose the granting of special exception for the proposed uses. No permanent development impacts are proposed. Impacts involve the clearing of some forested areas to create access, parking and playing fields. Any forest clearing for recreational use must meet the County's provisions for replacement of forest in the Critical Area.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: BC 316-02
Lori Byrne
Claudia Jones

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Executive Director

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November 13, 2002

Mr. Reed Faasen
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: XRS 02-0088 Serenity Farms (Franklin A. Robinson)

Dear Mr. Faasen,

Thank you for providing a copy of the environmental features plat. I have reviewed the plat and have the following comments:

1. This plat references a Parcel 'C'. Previous submittals referred to this parcel as Parcel 'B'.
2. A copy of the Wildlife and Heritage Division determination letter regarding the presence of rare, threatened or endangered species must be provided to this office prior to granting approval of this subdivision.
3. The afforestation/forest conservation note needs to be clarified. The Critical Area forest conservation provisions still apply to the Critical Area portion of the property, regardless of whether an intra-family transfer occurs.

Thank you for your assistance with these items. Please contact me at 410-260-3481 if you have any questions about these comments.

Sincerely,

A handwritten signature in cursive script that reads 'Wanda Cole'.

Wanda Cole
Natural Resources Planner

cc: CS 480-02

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November 13, 2002

Ms. Colleen J. Bonnell
Town Planner
Commissioners of Leonardtown
41675 Park Avenue
PO Box 1
Leonardtown, MD 20650

Re: Case # 72-02 Robert Combs

Dear Colleen,

Thank you for providing a copy of the revised site plan and your letter dated October 23, 2002. It appears all of the comments in my September 26, 2002 letter have been addressed.

As this proposal includes disturbances in the expanded Critical Area Buffer, a variance is required. All variance applications for the Buffer must be sent to this office. I will provide written comments on the variance application at that time.

Again, thank you for the opportunity to comment. Please call me at 410-260-3481 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: LE 566-02

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November 13, 2002

Ms. Colleen J. Bonnell
Town Planner
Commissioners of Leonardtown
41675 Park Avenue
PO Box 1
Leonardtown, MD 20650

Re: Case # 77-02 Tom Collier Site Plan and Planting Agreement

Dear Colleen,

Thank you for the opportunity to comment on the above referenced submittal. The applicant has demolished an existing house on a grandfathered lot and proposes to redevelop the lot with a larger house, garage, driveway, walkways and porches. This property is located in the LDA of Breton Bay. The 100' Critical Area Buffer is not located on this parcel. The proposed impervious surfaces total 6,072 square feet. The limit for a lot of this size is 5,445 square feet.

The following comments are provided for your use:

1. This project, as proposed, would require a variance to exceed the impervious surface limit that applies to this parcel. This office would not support such a variance. The redevelopment of this parcel provides opportunity to design a footprint that complies with the Critical Area Criteria. The applicant can reduce the driveway, use pervious walkways, or reduce the footprint to comply with the 5,445 square feet impervious surface limit. If decks are constructed with spaces between the boards and gravel beneath, they can be considered pervious. Converting some of the porches to decks could eliminate the need for a variance.
2. As there are no Buffer impacts, mitigation for Buffer impacts is not required. Unless the Town's Ordinance requires otherwise, 1:1 mitigation is required to replace any trees that must be removed to accommodate the project.

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Please call me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: LE 662-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 8, 2002

Mr. David E. Booth, Jr., P.E.
Carroll Engineering, Inc.
61 East Padonia Road, Suite C
Timonium, MD 21093

Re: CAC # 50-02 Hammerman Area Beach House

Dear David,

This letter serves to follow-up our telephone conversation of this afternoon, in which you advised that this project is scheduled for design completion only. Construction funding is not expected to occur for an unforeseeable time.

State projects are presented to the Commission for formal approval when they have reached final design and obtained all other regulatory permits. You have submitted these 100% drawings to Maryland Department of the Environment (MDE) for their review for sediment and stormwater, however, you are not expecting final approvals to be issued by MDE since the project will not be going to construction. Accordingly, this project will not be presented to the Commission for approval until such time as MDE has issued their approvals.

Meanwhile, we can address the Critical Area elements of this design so that the project can be easily moved forward when construction is funded. The following comments are provided for your use. Please provide a copy of the revised drawings once the necessary changes are made.

1. It appears there are no impacts proposed in the 100' Critical Area Buffer. Any stormwater discharge to tidal waters will outlet through an existing 24" concrete pipe.
2. Please change the label from 'Stream Buffer' to '100' Critical Area Buffer'.
3. On all plan sheets, the 100' Critical Area Buffer line needs to be shown in its correct position. The Buffer is measured 100' from the mean high water line, or the landward limit of tidal wetlands, whichever is greater. The Buffer must be field delineated.

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4. Expansion for steep slopes is only necessary if the 100' line falls on a slope that is 15% or greater. For this project, it appears the 100' line does not fall on such a slope.
5. Mitigation for tree clearing is 1:1. You have advised that the landscape architect, Mahan Rykiel, has provided a landscape plan showing 2:1 mitigation using native species to replace the affected 4 ornamental trees. Please provide a copy of the landscape plan and schedule.
6. This portion of the Hammerman area is considered an area of Intense Development. therefore, the 10% Rule worksheet for redevelopment needs to be completed. As this project is showing a net reduction in impervious surface areas, it is possible that the pollutant removal requirement may be a negative number, and best management practices for 10% Rule would not be required. This project is proposing best management practices for stormwater quality and phosphorous removal. Should the 10% calculations show a removal requirement, the stormwater management facilities shown are suitable choices. If this design has a removal requirement, please show the removal efficiencies for these facilities and determine if the 10% Rule can be met.
7. Please forward copies to our office of any correspondence you receive from MDE.

Thank you for your assistance with these items. Please call me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,

Wanda Diane Cole

Wanda Diane Cole
Natural Resources Planner

cc: Michele Hurt
Arnold Norden
File # 50-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 8, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Mark and Traci Murphy Subdivision Plat

Dear Steve,

Thank you for the opportunity to review the revised plat for this project. While this plat has provided some additional information, it has not addressed all the comments in my letter to you dated February 12, 2002.

I have not heard from the surveyor regarding how the RCA density rights were transferred from the Chesapeake Forest Products parcel, as shown on the February 2000 plat, when it was sold. Assuming the Murphy parcel has an RCA density right, the following are my comments regarding this revised plat:

1. General note # 17 is incorrect and must be revised. Forest clearing in the Critical Area is limited to 30% of the existing forest that occurs in the Critical Area portion of a parcel. If the underlying zoning limits clearing to 20% of the parcel size, the more restrictive of the two would apply.
2. General note # 18 indicates there is a letter on file from the Department of Natural Resources regarding sensitive species and habitat associated with Natural Heritage Area # 24. Please provide a copy of that letter for our file.
3. The remaining comments of my February 12, 2002 letter must be addressed.

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Thank you again for your assistance with these items. Please do not hesitate to call me if you have questions regarding these comments.

Sincerely,

Wanda Diane Cole

Wanda Diane Cole
Natural Resources Planner

cc: DC 70-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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November 7, 2002

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 02-12 Joseph and Maria Zannino Variance Request

Dear Keith,

Thank you for the opportunity to comment on the above referenced variance request. The applicants have been restoring areas of their property located within the Critical Area Buffer by removing debris that had been deposited there by previous owners. This property is located in the LDA of Back River.

This office does not oppose this project as it represents a restoration effort. We also do not oppose the granting of this variance provided the applicant does not place fill in a manner that would alter the hydrology to existing wetlands on the property, and that the disturbed areas are properly stabilized with native vegetation.

Please provide this office with a copy of the written decision made in this case. Feel free to contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: BC 658-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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November 7, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: # 1012 Louis Biskach Subdivision

Dear Steve,

Thank you for the opportunity to review the above referenced site plan. The applicant proposes a one-lot subdivision in the designated Resource Conservation Area of Cabin Creek. This 2.6 acre lot has an unusual configuration in that the property lines include an SRA that is not located within the dwelling's development envelope, but is located on the opposite side of the access right-of-way. To maintain the 1 dwelling per 20 acre density, this subdivision includes the creation of a 17.4 acre reserved area.

The following comments are provided for your use:

1. Please verify the location and amount of State tidal wetland acreage. Critical Area note # 2 states that "a portion of the site is located in tidal wetlands." This note is referenced on the plat below the label, "Tidal Wetland Line", shown in the reserved area located west of Lot 1. It is not clear what this label references, as it does not point to a specific area and there is no legend on this plat.

Per our phone conversation today, you advised the tidal wetland line is most likely the dashed line that approximates the boundary lines shown along Cabin Creek. If this line is correct, the reserved area shown to the south of the access Right of Way would not include State tidal wetlands, thus the total reserve area would contain sufficient upland acreage to meet the 1 in 20 requirement. If this line is not correct, it appears the Buffer line will need to be revised in the area of the SRA.

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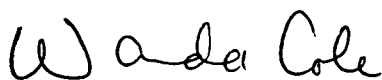
2. This plat has since been revised to include a note # 17 stating that no development is to occur within the reserved area. Please send a copy of the revised plat for our file.
3. The existing forest coverage is not given. If Lot 1 and the reserved area do not contain 15% forest cover, the applicant must afforest the balance.
4. The information provided for review indicates a Buffer clearing violation occurred at this site, and that a Buffer Management Plan has since been developed. Please provide this office with a copy of the Buffer Management Plan.

The plat shows a Buffer mitigation area located outside the Buffer, adjacent to the SRA and an existing wooded area. If this area is mitigation for the Buffer clearing violation, please provide information as to why it was not directed to the Buffer.

5. As this subdivision represents a change from agricultural use to residential, the Buffer must be established in forest vegetation.
6. It appears the Critical Area Buffer must be expanded on Lot 1 to include the contiguous nontidal wetland shown on its western boundary. This condition would further constrain the site for development. Any development proposed in the nontidal wetland would require a variance, and this office would not support a variance that would be required to permit development in the expanded Buffer.
7. It is not clear whether the proposed 50' Right of Way is to be extended beyond the SRA. If so, encroachment into the Buffer would occur if the footprint is expanded beyond the existing 15' Right of Way. We recommend the plat include a note that the road will not be widened beyond the existing 15' footprint.
8. Please provide a copy of the Wildlife and Heritage determination letter regarding the presence of rare, threatened, or endangered species and their habitats on this site. No approvals must be granted until this determination has been provided.

Thank you for your assistance with these items. If you have any questions regarding these items, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 618-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
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November 1, 2002

Ms. Elsa Ault
Charles County Government
Planning and Growth Management
P.O. Box 2150
La Plata, Maryland 20646

RE: Efton Hill- Steven and Sandra Morgan Habitat Protection Plan

Dear Ms. Ault:

This letter is a follow-up after a site visit to the Morgan property to survey for rare plants and to provide comments to help finalize the Habitat Protection Plan (HPP) for the property. On September 23, 2002, Ms. Kathy McCarthy of the Wildlife and Heritage Division made a survey for rare, threatened and endangered species in the project area at the Efton Hill property owned by Mr. and Mrs. Morgan. She also surveyed for the presence of invasive species in the project vicinity. No rare, threatened or endangered species were observed within the project area, nor were any invasive species found within the Natural Heritage Area near the development site. A Habitat Protection Plan is still required as a part of the condition of the variance granted by the Charles County Board of Appeals (Board) as a safeguard to maintaining the integrity of the Nanjemoy Creek Natural Heritage Area and minimizing impacts from development activities. The Department of Planning and Growth Management (Department) is the local agency responsible for implementation of the County's Critical Area Program. The Department must approve this HPP before any building permits can be issued and also has the responsibility for monitoring compliance with this HPP, if necessary, in the future.

The following comments are provided to guide the applicant in completing the HPP by addressing each component individually. According to the decision of the Board the HPP needs to include the following items (a-f).

a. and b. Identification of habitat impacts and feasible avoidance, minimization, mitigation as well as potential sources of runoff pollution that might affect wetlands, the creek and anadromous fish.

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Ms. Ault
November 1, 2002
Page Two

Most of these items have been addressed in the draft HPP in the **Introduction** and the section entitled **Possible Adverse Impacts**. The only things that are outstanding at this point are the specific mitigation for Buffer impacts and FID impacts and the possible encroachment into the 100-foot Buffer to the Nontidal Wetland of Special State Concern (WSSC). It is possible that the nontidal wetlands boundary occurs at the toe of the slope at elevation 10. If a field delineation confirms this, the sewage reserve area will lie within the 100 foot buffer to this wetland. The primary and backup septic systems need to be located to avoid the WSSC buffer.

c. Identification and delineation of Forest Interior Dwelling Species (FID) Habitat

Essentially all of the forested area within the Critical Area is FID habitat. This should be noted on the site plan and in the HPP. A copy of the most recent FIDS guidance is attached and should replace the FIDS guidance currently found in Appendix A of the HPP.

The Critical Area mitigation plantings must replace FIDS habitat. At this site, there are two or three areas along the existing roadbed where an old roadbed alignment had been abandoned, as well as a parking area near an in-creek baptismal area. Planting these areas will close gaps in the canopy. These areas must be clearly marked on the plan.

An abandoned borrow pit is located nearby but lies outside the Critical Area. Mr. Morgan has offered to properly restore this area and provide the mitigation plantings there. This area is close to the existing FIDS habitat. Although this area is outside the Critical Area, mitigation plantings in this area would serve to expand the perimeter of the FIDS habitat that is found within the Critical Area. Therefore, use of this area for Critical Area FIDS mitigation is acceptable. A mitigation plan must be provided that shows existing grades and proposed final grades after restoration grading is completed. A mitigation-planting plan must be provided to the County and must include discussion on the control of invasive species and a time frame for planting and/or natural regeneration. This office is available to assist the County in reviewing the planting plan.

d. Identification of Endangered and Threatened Species Habitat

This was covered under the sections **Endangered Threatened Species** and **Bald Eagle Habitat and Natural Heritage Area**

No rare threatened or endangered plants were found during the survey this fall. If any rare, threatened or endangered plants are found on the property in the future, a specific management plan will be developed by the property owner, Charles County Planning and Zoning and the Department of Natural Resources.

The Bald Eagle does not occur on this parcel at this time, therefore, the information on the eagle's buffer zones found in Appendix A may be eliminated. You may include a statement that

Ms. Ault
November 1, 2002
Page Two

if the bald eagle is found to be nesting on this parcel, the guidelines in effect at that time will be observed.

e. Buffer Mitigation including planting plan at a ratio of 3:1 for disturbance using Maryland Native Species

This item is addressed under the section entitled **Critical Area Buffer**. The applicant still needs to provide mitigation for Buffer impacts. A mitigation plan should include the amount of disturbance and the location where the Buffer mitigation will occur.

f. Identification and delineation of the Natural Heritage Area including impacts to the Heron Rookery.

This item is addressed in the HPP under **Colonial Waterbird Nesting Site**. No colonial nesting birds occur on this parcel at this time. Should nesting occur on the site or in the immediate vicinity a specific management plan shall be developed in conjunction with Charles County and DNR.

If you have any questions regarding these comments, please call me at 410-260-3481.

Sincerely,



Wanda Diane Cole
Natural Resources Planner

cc: Mr. Mark Xander
Ms. Judy Cole
Ms. Kathy McCarthy
Ms. M. Claudia Jones
CS 272-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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October 31, 2002

Mr. Robert Wardwell
US Army Adelphi Laboratory Center
2800 Powder Mill Road
Attn: AMSRL-CS-IS-PE
Adelphi, MD 20783

Re: CENAB-OP-RMS Shoreline Stabilization Project 02-65125-4
Adelphi Lab Center, Blossom Point Research Facility, Charles County

Dear Bob,

Thank you again for providing a copy of the Environmental Assessment and a tour of the project site. This shoreline stabilization project consists of the construction of a revetment, off-shore stone breakwaters, and marsh creation along a highly-eroding portion of the Nanjemoy Creek shoreline. The bank stands about twenty (20) feet tall and is very steep, approaching a vertical slope in many areas. The 100' Critical Area Buffer within the project area is currently maintained in turf grasses with some woody vegetation sporadically growing at the top of slope and on the less-steep portions of the slope.

During our meeting yesterday, Kevin Vienneau of the Charles County Department of Planning and Growth Management and I discussed with you the Critical Area aspects of the projects, specifically the scope of work proposed in the 100' Critical Area Buffer. The project proposes selective clearing of woody vegetation in the Buffer only in those areas where it is necessary to improve safety conditions for construction personnel working on the revetment below, protect the integrity of the new structure, and/or to accommodate construction access. Temporary disturbances will include the excavation of a trench to install an underdrain system. This trench will be backfilled and stabilized in turf grasses. The contractor's staging and stockpile area will be located in an existing storage yard located behind a fenced area in the Buffer.

While we discourage use of the Buffer for stockpiling and staging areas, the existing storage yard does not represent a new disturbance to the Buffer. Therefore, use of this area for stockpiling and staging operations is preferable to creating new disturbances elsewhere. We request that the contractor confine all stockpiling and staging operations to this area or to existing, disturbed areas outside the Buffer for the duration of the project.

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The Critical Area statute includes provisions for forest conservation. It is the intent of the statute to maintain or increase the amount of forest cover found within the Critical Area. Mitigation required for clearing of woody vegetation within the Critical Area to accommodate shoreline erosion control projects is 1:1 using native vegetation. While the proposed clearing for this project will be selective, it is not within the scope of work to provide for mitigation plantings. You noted that the Blossom Point facility has been working with the Department of Natural Resources' Wildlife and Forestry divisions to improve wildlife habitat and implement forest plantings at this facility. You also noted that natural regeneration has been allowed to occur in many areas along the shoreline.

We encourage you to continue these cooperative practices. We recommend that your next forest planting effort be directed to the 100' Buffer on the property. Kevin Vienneau provided you with a copy of the Buffer Management Plan that his department uses to address Buffer mitigation requirements for local projects. This Plan is a useful tool for calculating impacts and determining the number of native forest plantings needed. Our office uses a similar document for state and federal projects and I will be happy to work with you in developing a Buffer Planting Agreement for your Buffer planting projects.

Again, I thank you for your assistance and participation in addressing Critical Area measures and look forward to working with you further on this and future projects.

Sincerely,



Wanda Diane Cole
Natural Resources Planner

cc: Kevin Vienneau
Steve Koehn
Kathy Anderson

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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October 31, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 02-0112 Ronald Eastburn Variance

Dear Theresa,

Thank you for providing the revised site plan for this request, in which the applicant has shown that existing impervious areas will be removed, resulting in a net increase of 256 square feet of impervious surfaces. The total impervious surface areas are within the maximum allowable limits.

We do not oppose the granting of the variance. We recommend that the variance include a condition that the required 3:1 mitigation plantings for new disturbances to the Buffer be provided on-site.

Please provide this office with a copy of the written decision made in this case. If you have questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 311-02

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Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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October 30, 2002

Mr. Charles E. Benton
Wetland Ecologist
URS Corporation
200 Orchard Ridge Drive, Suite 101
Gaithersburg, MD 20878-1978

Re: Redevelopment of Fort Howard Veterans Affairs Medical Center
To a Senior Campus Community

Dear Mr. Benton,

Thank you for your letter dated October 8, 2002 in which you describe the three alternatives proposed regarding future uses of the Fort Howard property. As this is a project proposed on federally-owned property, this project will not require formal approval by the Critical Area Commission. In accordance with the policy of the federal Coastal Zone Management Program, our agency will provide review and comment on the project design once it is available. Once you have chosen an alternative, the following guidance will be useful to you during design plan development and when providing future submittals to our office for review.

1. For those portions of the project located within the Critical Area, please provide a copy of the site plans and scope of work to this office at its earliest availability.
2. The site plans must show the location of the Critical Area boundary, the 100' Critical Area Buffer line, the mean high water line, and the location of tidal and nontidal wetlands within the project area. Enclosed for your use is a copy of the relevant Critical Area map and its legend as promulgated by Baltimore County. Also enclosed is information on determining the location of the 100' Buffer.
3. The legend indicates that this area is designated as an Intensely Developed Area, with which we concur. Development within Intensely Developed Areas must comply with the 10% pollutant removal requirements. Enclosed are copies of the 10% Rule guidance documents. These documents include the worksheet used in calculating the removal requirement and examples of stormwater best management practices and their removal efficiencies. Please note that the calculations differ for redevelopment versus new

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development projects. In addition, these documents discuss treating the first ½" of rainfall. In 2000, Maryland Department of the Environment revised the standards for stormwater management to treat the first 1.0" of rainfall. The 2000 standards must be used when applying the 10% rule.

4. The plans must show soils types, drainage divides, tree lines and the amount and extent of existing forest cover within those lines, amount and extent of proposed clearing, if any, and the amount of existing and proposed impervious surface areas. While mitigation for forest clearing is not required in Intensely Developed Areas, this office strongly recommends a minimum of 1:1 mitigation as the Critical Area regulations look to maintain or increase forest habitat within the Critical Area. Enclosed for your use is our guidance paper on forest mitigation.
5. If construction access will be necessary in areas other than along existing or proposed access roads, please indicate the location of these temporary access roads. Stockpile and staging areas must not be located within the 100' Critical Area Buffer. All new development activities, including stormwater management facilities, must be placed outside the 100' Critical Area Buffer.
6. The Maryland Department of Natural Resources Wildlife and Heritage Division must be contacted to determine if rare, threatened or endangered species or its habitat occur on this site.

Please do not hesitate to contact me if you have any questions regarding this information. I would be happy to meet with you for a site visit, if desired. I may be reached at 410-260-3481 or via email at wcole@dnr.state.md.us. I look forward to working with you.

Sincerely,



Wanda Cole
Natural Resources Planner

Enclosures (5)

cc: Lori Byrne
Patricia Farr

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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October 18, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
23150 Leonard Hall Drive
PO Box 653
Leonardtown, MD 20650-0653

RE: CA Permit # 00-2178 Fred & Kim Frazier

Dear Theresa,

Thank you for the opportunity to comment on the above referenced site plan, which is being submitted for comment prior to being scheduled for a variance hearing with the St. Mary's County Board of Appeals. The applicant proposes the construction of a 12' x 20' deck onto an existing structure located on a grandfathered lot in the Critical Area of Nats Creek. This deck will encroach into the Critical Area Buffer. Most of the site's development is located outside the Buffer.

This office does not oppose this variance. We recommend that the variance include the following conditions:

1. That the 3:1 forest mitigation required for new disturbances within the Buffer be provided on-site in the Buffer.
2. The footers be hand-dug.

Please provide this office with a copy of the written decision made in this case. If you have questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 639-02

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Executive Director

**STATE OF MARYLAND
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October 17, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2123 Mallard Hill Farm, Inc.
c/o Mark Erwin

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a driveway, yard and septic disposal system in the RCA of the Little Choptank River. This project will impact nontidal wetlands and create 3,751.56 square feet of disturbance in the expanded Critical Area Buffer. The applicant will be required to mitigate the nontidal wetland impacts through the Maryland Department of the Environment nontidal wetland permit process.

Please note that the limits of disturbance on this site plan, titled as Sheet 2 of 3, prepared on June 1, 2001, differs somewhat from the information shown on the site plan for variance case # 2122, Stephen V. Mulvaney, titled Sheet 7 of 14, prepared on June 18, 2002. The most recent plan shows an increase in the amount of nontidal wetland and Critical Area impacts, thus increasing the amount of mitigation required.

This office does not oppose this request provided the accurate amount of mitigation is determined and provided. We recommend that the variance approval include a condition that the required 3:1 mitigation plantings be accomplished on-site to the extent feasible, with the balance directed to an off-site Buffer.

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Please provide this office with a copy of the written decision made in this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Diane Cole

Wanda Diane Cole
Natural Resources Planner

cc: DC 374-00
Ace Adkins

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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October 16, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
23150 Leonard Hall Drive
PO Box 653
Leonardtown, MD 20650-0653

Re: SMSUB # 02-110-028 Long Point Subdivision, Lots 15 & 16
Cameron Kashani

Dear Theresa,

I have reviewed the above referenced subdivision, which is being proposed around existing conditions in the RCA of Smith Creek. This is a 6.49 acre parcel that has been developed with two existing dwellings. The following comments are provided for your use:

1. The State of Maryland tax assessment database describes tax map 70 parcel 17 as an 11.0 acre parcel, while this plat shows only 6.49 acres. A 1990 tax assessment map and the current map on the tax assessment database both show the southern property line for this parcel as abutting MD 252. Pursuant to your research, the un-named subdivision that appears on this plat between this parcel's southern boundary and MD 252 was recorded in 1949. One dwelling was constructed in 1900 and the second was constructed in 1977.
2. General note # 16 references incorrect lot numbers.
3. The Critical Area Buffer should be expanded to include the Tidal Marsh and Othello soils on Lot 15. The extent of tidal and nontidal wetlands on the property must be field verified in order to provide an accurate determination of the location of the 100' Buffer and the need to expand it for contiguous nontidal wetlands. The presence of Othello soils and the 100-year floodplain suggest nontidal wetlands could occur on this site, despite the information shown on the Wetlands Features maps.
4. No topographic information is given. Although no development is proposed with this subdivision, an accurate determination of the extent of the Critical Area Buffer must be recorded with this plat. The applicant must provide topographic information, including the location of the mean high water line, in order to determine whether the Buffer must be expanded for contiguous steep slopes.

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We request a copy of the revised plat once it is available. We may have additional comments based upon the new information.

Please call me at 410-260-3481 if you have questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: SM 637-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 16, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2124 Thomas Howell

Dear Mr. ~~Dodd~~,
Steve

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a 1,056 square foot storage building and a 532 square foot lean-to attached to an existing building on a grandfathered lot located in the RCA of Le Compte Creek. This project will create a total of 1,588 square feet of new impervious surfaces in the Critical Area Buffer.

This office does not oppose this request provided the total area of impervious surfaces do not exceed 15% of the parcel. We recommend that the variance approval include a condition that the required 3:1 mitigation plantings for new disturbances in the Buffer be provided in the on-site Buffer.

Please provide this office with a copy of the written decision made in this case.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Diane Cole

Wanda Diane Cole
Natural Resources Planner

cc: DC 621-02

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Chairman



Ren Serey
Executive Director

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October 16, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2122 Stephen V. Mullaney

Steve
Dear Mr. ~~Dodd~~,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a house, garage, driveway, and septic disposal system in the RCA of the Little Choptank River. This project will impact nontidal wetlands and create 39,083 square feet of disturbance in the expanded Critical Area Buffer. The applicant will be required to mitigate the nontidal wetland impacts through the Maryland Department of the Environment nontidal wetland permit process.

This office does not oppose this request. We recommend that the variance approval include a condition that the required 3:1 mitigation plantings be accomplished on-site to the extent feasible, with the balance directed to an off-site Buffer.

Please provide this office with a copy of the written decision made in this case.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

Wanda Diane Cole

Wanda Diane Cole
Natural Resources Planner

cc: DC 620-02
Ace Adkins

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Ren Serey
Executive Director

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October 16, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Critical Area Variance # 2126 Arthur B. and Gladys M. Kahler

Dear Steve,

Thank you for the opportunity to comment on the above referenced variance request. The applicant proposes the construction of a dwelling, driveway and septic disposal area on a grandfathered property located in the RCA of Parsons Creek. This lot is entirely constrained by the expanded Critical Area Buffer.

This office does not oppose this variance. We recommend that the variance approval include the following two conditions:

1. That the required 3:1 mitigation plantings for disturbances to the Buffer be provided on-site in the Buffer.
2. That a nontidal wetland permit be obtained from the Maryland Department of the Environment for impacts proposed to the on-site nontidal wetlands.

Please provide this office with a copy of the written decision made in this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 565-02
Ace Adkins

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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October 16, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: J. Woodrow & Margaret E. Milstead Trust, Outlot A-3

Dear Elsa,

Thank you for the opportunity to review the above referenced plat, whereby the applicants propose a boundary line adjustment for the purpose of conveying 0.1880 acres to the adjacent property owners, Robert M. & Peggy A. Schaumburg. This subdivision line occurs along an existing old roadbed. We have no comments regarding this boundary line adjustment as there will be no change in the RCA density on any of the affected parcels.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 638-02

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Chairman



Ren Serey
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

October 16, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Case Number 2121 I. Elaine Lowry & Ann M. Dixon

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance request. The applicant proposes the construction of a shared driveway in the RCA of the Chesapeake Bay. This project will impact nontidal wetlands and create 8000 square feet of disturbance in the expanded Critical Area Buffer. The applicant will be required to mitigate the nontidal wetland impacts through the Maryland Department of the Environment nontidal wetland permit process.

This office does not oppose this request. We recommend that the variance approval include a condition that the required 3:1 mitigation plantings be first accomplished on-site to the extent feasible.

Please provide this office with a copy of the written decision made in this case.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: DC 619-02
Ace Adkins

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Ren Serey
Executive Director

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October 15, 2002

Mr. Stan Causey
Maryland Department of the Environment
407 Race Street
Cambridge, MD 21613

Re: Joint Public Notice 02-WL-1514
Phillip L. Jones Boatyard, Dorchester County

Dear Stan,

The Critical Area Commission would like to provide the following comments regarding the above referenced state tidal wetland license application:

1. The applicant must contact Ms. Karen Houtman at the Dorchester County Planning and Zoning Office to determine the Critical Area requirements for this project. Karen may be reached at 410-228-3234. The creation of additional boat slips may also create the need for additional parking, access, and/or accessory structures in the Critical Area and its 100' Buffer. Depending on the nature of these improvements, a variance may be necessary.
2. Any new on-site dredged material disposal sites must be located outside the Critical Area Buffer.

Thank you for the opportunity to comment. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Diane Cole

cc: Karen Houtman
Whittington Marine Construction

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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October 15, 2002

Mr. Reed Faasen
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: XRS 02-0088 Serenity Farms (Franklin A. Robinson)

Reed
Dear Mr. ~~Faasen~~,

Thank you for providing a copy of the revised plat, in which the Agricultural Preservation easement and Critical Area afforestation notes were added. We have no comments regarding these notes.

The applicant needs to provide the environmental features information and subdivision history so that we may complete our review.

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: CS 480-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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October 10, 2002

To: Mike Ewing, Waterway Improvement Grants Program
From: ^{WDC} Wanda Cole, Critical Area Commission
Subject: Southern Region 2004 WIP Projects

I would like to provide comments on the following projects:

S-109 Wicomico Shores: Please contact Mr. Reed Faasen at the Charles County Department of Planning and Growth Management regarding Critical Area requirements for local shore erosion control projects. Mr. Faasen should be contacted at the earliest opportunity that site design details are available, and be reached at 301-645-0594.

Any clearing of forest vegetation for access in the 100' Critical Area Buffer will require 1:1 mitigation on site. Staging and stockpile areas must be located outside the Buffer.

S-110 Forest Landing: Please contact Ms. Theresa Dent at the St. Mary's County Department of Planning and Zoning regarding Critical Area and local permit requirements associated with the grading and ramp work proposed at this site. Ms. Dent may be reached at 301-475-4670.

S-112 Piney Point Landing: Stockpile and staging areas must be located outside the 100' Critical Area Buffer. Please contact Ms. Theresa Dent for local permit requirements.

S-121 St. Jerome Creek: If the DMP site is located within the Critical Area, please provide a copy of the site design and scope of work to this office at its earliest availability. Our office will be interested in reviewing the following specific aspects of this project: the location of the Critical Area boundary, the 100' Critical Area Buffer line, mean high water line, location of tidal and nontidal wetlands within the project area, soils types, amount and extent of existing forest cover, amount and extent of proposed clearing, amount of existing and proposed impervious surface areas, method and location of access, location of stockpile and staging areas, location and design of outfalls and outfall protection, presence of rare, threatened or endangered species, and the schedule for DMP construction.

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S-169 Smallwood State Park: Projects on state-owned lands must be approved by the Critical Area Commission. If this project is located within the Critical Area, at the earliest opportunity please provide this office with a copy of the site design and scope of work. Our office will be interested in reviewing the following specific aspects of this project: the location of the Critical Area boundary, the 100' Critical Area Buffer line, mean high water line, location of tidal and nontidal wetlands within the project area, soils types, amount and extent of existing forest cover, amount and extent of proposed clearing, amount of existing and proposed impervious surface areas, method and location of access, location of stockpile and staging areas, location and design of outfalls and outfall protection, presence of rare, threatened or endangered species, and the schedule for construction.

Local projects in both Charles and St. Mary's Counties: Both of these counties have local permit requirements for shoreline construction and any grading project. Please contact the appropriate local planning and zoning office for guidance on local requirements.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 10, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD 020613 Teagues Point Lot 6

Dear Elsa,

We have received the September 26, 2002 letter from Wildlife and Heritage Division and your October 1, 2002 letter, and would like to address the information regarding FIDS. The applicant must do the calculations on the FIDS Conservation Worksheet found in Appendix D (page 43) of *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, June 2000*. This worksheet assists in determining the amount of forest interior loss that must be mitigated.

It appears no on-site opportunity exists to provide FIDS mitigation, therefore, off-site plantings are required. Enhancement of the existing forest will not meet the mitigation requirement. The mitigation planting must be accomplished in a location and manner that creates FIDS habitat. Pages 15-32 of the Guide provide guidance on assessing the forest interior impacts and providing suitable mitigation. Please provide a copy of the completed FIDS Conservation worksheet and the mitigation planting plan to this office for review.

While the proposed clearing has largely been limited to the footprint for development of the house, driveway and primary septic area, we find that FIDS impacts could be further reduced. Reducing the amount of clearing by maintaining canopy wherever possible will reduce the amount of mitigation required. We recommend the following steps the applicant could take to increase the canopy and reduce the amount of clearing:

1. Maintain forest up to the edges of the driveway. While the driveway itself is less than 15' wide, the proposed clearing exceeds 15' for most of the driveway's length.

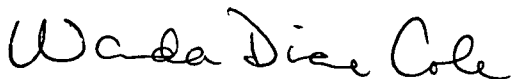
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2. Shorten the driveway to move the house and septic closer to the access lane.
3. Pull the sewage reserve area closer to the house, or reconfigure the trenches to reduce the clearing needed to install them.
4. Move the well closer to the driveway and the house. This will reduce the need to clear for access for the water line and the drill rig.
5. If it is possible to construct the house on-grade, that will eliminate the clearing needed for grading the building pad.

If you need assistance with any of these requirements, please contact me at 410-260-3481, or our science advisor, Ms. Claudia Jones, at 410-260-3476.

Sincerely,



Wanda Diane Cole
Natural Resources Planner

cc: CS 424-02
Lori Byrne
Kathy McCarthy
Claudia Jones

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 9, 2002

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Md 21204

Re: Oak Grove Village Environmental Alternatives Analysis

Dear Glenn,

Thank you for the opportunity to review and comment on the above referenced alternatives analysis. The applicant is proposing the construction of a 120-unit, senior housing facility with an 80-car parking lot in the LDA of Middle River. A portion of this development is proposed in the 300-ft Critical Area Buffer as required by the County ordinance.

The applicant has not clearly demonstrated that no feasible alternative exists for locating the stormwater management facilities outside the 300' Buffer. No information was provided as to why the stormwater management must be located in the Buffer. This office cannot support this location as it appears there are other alternatives.

The report states that the existing private road behind the Hopkins Village buildings is not a feasible alternative because it does not meet the County's criteria for an access road, and because the Hopkins Village owner does not wish to grant access along this road. Therefore, there is no alternative to locate the road outside the Buffer.

In reviewing the alternatives analysis, we also have the following comments:

1. The total proposed impervious surfaces total 18% of the site. The impervious surface areas proposed within the Critical Area must be stated on the plan. Impervious surfaces are limited to 15% of the site that lies within the Critical Area portion of the parcel.
2. Sheet 2 of 2 has omitted the 1000' Critical Area line. This line must be provided. The plan must also state how much of the site lies within the Critical Area. The information provided states the parcel is 12.71 acres and fully forested. It also states that the existing forest in the Critical Area is 7.55 acres, suggesting the Critical Area portion of the site

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measures the same. However, the Critical Area boundary line appears to include much more than 7.55 acres of the parcel.

3. The forest clearing information is unclear. The plan states that 4.39 acres of forest clearing will occur. The general notes # 17 and 18 on Sheet 1 of 2 indicate 0.85 acres of this clearing will occur within Critical Area portion of the site, yet visually, it appears that most of the clearing will occur within the Critical Area. Please verify the amount of forest clearing that will occur within the Critical Area portion of the site.
4. The Mattapex soils that abut the Buffer on the south have a K factor greater than 0.35. The Buffer may need to be expanded to include these soils.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 606-02

CLEARINGHOUSE REVIEW

October 7, 2002

RECEIVED

OCT 8 2002

TO: Arnold Norden, Greenways and Resources Planning (E-4)
 Glenn Therres, Wildlife (E-1)
 Robert Beckett, State Forest and Park Service (E-3)
 John Rhoads, Natural Resources Police (E-3)
 Ray Dintaman, Environmental Review (B-3)
 Matthew Fleming, Education, Bay Policy & Growth Mgmt (E-2)
 Marian Honeczy, Forestry (E-1)
 Bill Hodges, Resource Assessment Services (B-3)
 Regina Esslinger, Crit. Area Cmsn. (1804 West St., Suite 100, Annap., 21401)

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Oct 22

FROM: James ^{J.W.P.} W. Price, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 4289-9-94
 Hurlock Athletic Complex Development Phase # 4, Dorchester County

This project proposes the fourth phase of the ongoing development of the Hurlock Athletic Complex. This phase of the project will involve grading the site to improve drainage and then landscaping the park.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

wdc

Project is not located in the Critical Area

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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October 7, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: XRS 02-0036 Land of Roy Robertson

Dear Elsa,

I am in receipt of an Environmental Features Site Plan and a proposed plat, both of which show revised information regarding forest cover, impervious surfaces, the expanded Buffer line, and wetlands acreage. I found the various lines on the Environmental Features plan difficult to separate and the plat sheet easier to interpret. Therefore, the following comments are based upon the plat sheet dated April 2002 and titled, "Lots 1,2 & Parcel A Roy E. & Sharon A. Robertson, Jr.", where signature blocks have been provided at the top of the sheet for School Allocation(s) Granted and the Charles County Planning Commission.

1. The information regarding existing forest cover and impervious surfaces has been provided. The site is 32% forested, therefore 15% afforestation is not required.
2. The state tidal wetland acreage has been provided and deducted from the parcel acreage. The two RCA densities are correct. However, the plat states that type 51 tidal wetlands are above mean high water and are not owned by the State. Type 51 wetlands are *Spartina alterniflora*, which grow below mean high water, making them State tidal wetlands. The marsh that straddles both Lots 1 and 2 is a type 51 wetland. The State tidal wetland acreage for this area must be amended and the corrections noted on the plat.

I spoke with Mr. Richard Steffens regarding the acreage in this area. He advised this area is less than five acres in size. The amended wetland acreage will not affect the density nor the position of the expanded Buffer line. The corrections are necessary to calculate future site development requirements.

3. The Buffer has been expanded for contiguous nontidal wetlands and hydric (Tm) soils, and the plat states that there is a 100' protective buffer from all wetlands. As this subdivision represents a change in use from agriculture, the Buffer must be fully established.

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4. Although topographic information is not shown, the plat states that there are no slopes greater than 15%.

All of my previous comments have been addressed. If you have any questions, please don't hesitate to contact me at 410-260-3481.

Sincerely,

Wanda Diane Cole

Wanda Diane Cole
Natural Resources Planner

cc: CS 391-02
Richard Steffens

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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October 7, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 20836 Christopher T. Kauffman

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan, which was revised to show the existing woods line, to provide the acreage of the wetlands, and to provide impervious surface information. The wetlands and forest cover information remains incomplete. In addition, upon closer examination of other data on this site, it appears the topographic information is incorrect and that the Buffer must be expanded to include the entire site. The site plan must be revised and we request the opportunity to perform a follow-up review.

The following comments are provided as further explanation:

1. It seems implausible that elevations +94 and 96 would occur within a wetland adjacent to a large tidal river such as the Patuxent. The topographic information on the MERLIN database shows this area at elevation +20 or less. The topographic information must be corrected or verified.
2. The Charles County Soil Survey, July 1974, shows the soils along much of the Charles County shoreline north of the Benedict bridge as Tm soils. Tm soils appear to occur over the entire Kauffman parcel. Tm soils are listed as hydric, therefore, the 100' Critical Area Buffer must be expanded to include the entire site, or the soils type must be verified in the field.
3. As it appears this parcel may lie totally within the Buffer, a variance is required for this development.

4. The exact acreage for State tidal wetlands has not been provided. Was the 23.34 acres of wetlands noted on the plan confirmed in the field? Assuming that acreage is State tidal wetlands, the upland acreage is 3.32 acres. Therefore, the proposed impervious surface areas comprise 6% of the upland.
5. The amount of existing forest cover must be provided. Based upon the information provided, we cannot determine whether the site is in need of 15% afforestation. Neither can we determine the percentage of existing forest cover that will be lost to the proposed development. The proposed development is shown to occur outside the forested area. The site plan states that 0.27 acres of disturbed woods are proposed. Where is this proposed disturbance located? Any clearing in the Buffer requires a variance.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

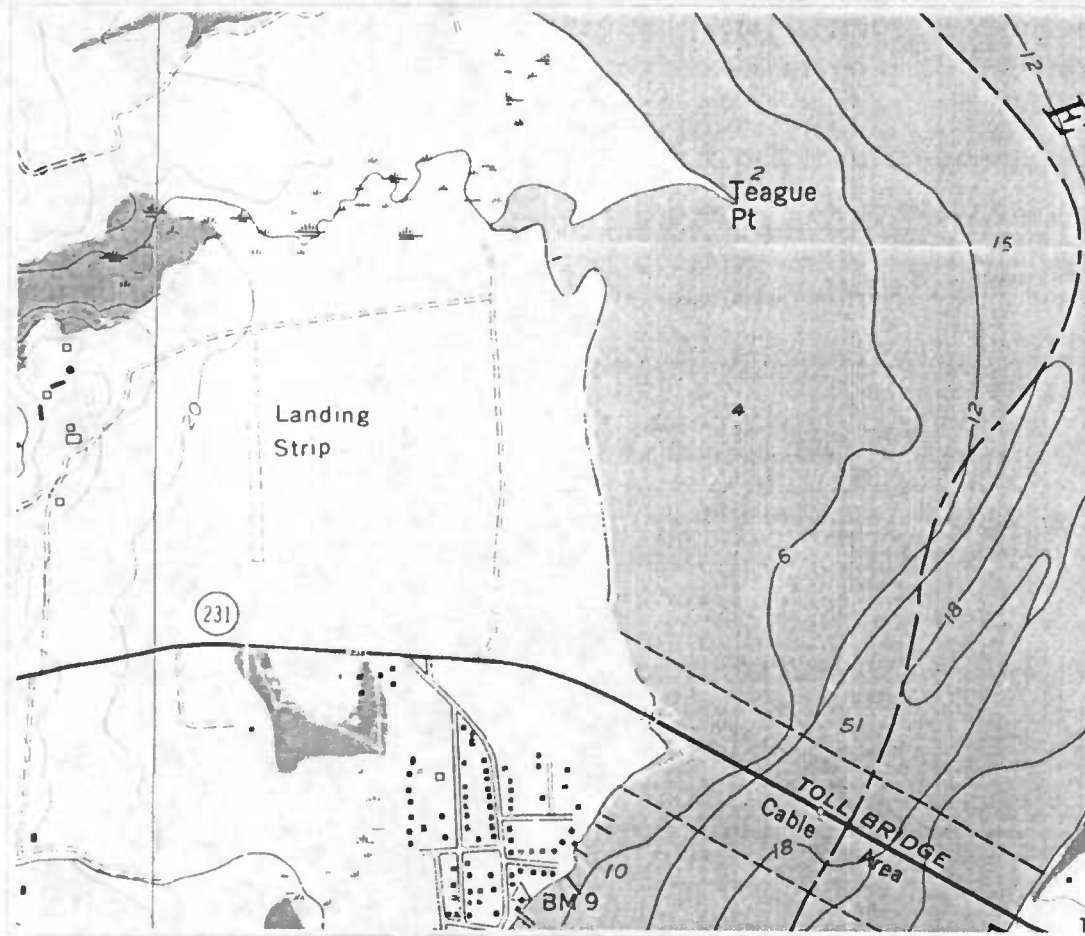


Wanda Cole
Natural Resources Planner

cc: CS 512-02
DH Steffens

MERLIN Online Map - Kauffman site topo

Real Property
CH Property Map 49
Base Maps
3.75' Quarter Quad Grid
Benedict Quad 7.5' Topo

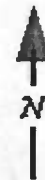


N 94794.08m E 428176.56m



Coordinates at center of image in Maryland State Plane, NAD 1983 meters

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 4, 2002

Mr. Robert Boras
Maryland Stadium Authority
333 West Camden Street, Suite 500
Baltimore, Maryland 21201

**RE: McIntosh Run Golf Course
Tudor Hall Village**

Dear Mr. Boras:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the request for conditional approval for the McIntosh Run Golf Course as a component of the Tudor Hall Village Project in Leonardtown. On October 2, 2002, the Critical Area Commission made the necessary findings in accordance with COMAR 27.02.06, "Conditional Approval of State or Local Agency Programs in the Critical Area," and approved the project. The Commission's approval included the following two conditions:

1. The Maryland Stadium Authority will submit a Buffer Management Plan for the project to the Commission for review and approval within 90 days.
2. The Maryland Stadium Authority will submit a FIDS Mitigation Plan for the project to the Commission for review and approval within 90 days. The FIDS Mitigation Plan will include mitigation sites, a guaranteed funding source, and a time frame for implementation. The FIDS Mitigation Plan must be approved by the Commission prior to any work (development activity) in the FIDS habitat area.

In general, I believe that the Commission was supportive of the project; however, the Project Subcommittee expressed serious concern about the need to develop and implement an effective FIDS Mitigation Plan within a reasonable time period after the start of construction. The Subcommittee conveyed to Mr. Gene Piotrowski, Assistant Secretary of the Department of Natural Resources, that the McIntosh Run watershed would be the preferred location for a mitigation site(s).

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

Thank you for your cooperation and assistance during the Commission's review of this project. I look forward to working with you on the Buffer Management Plan and FIDS Mitigation Plan in the coming months. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Asuntha Chiang-Smith, Governor's Office
Ms. Marianne Mason, Assistant Attorney General
The Honorable J. Harry Norris, Town of Leonardtown
Mr. Mike Nelson, Assistant Secretary, DNR
Mr. John Norris, Norris, Gass and Ocker Engineering
Mr. Gene Piotrowski, Assistant Secretary, DNR

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 4, 2002

Mr. Reed Faasen
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: XRS 02-0038 John L. Sprague Intra-family Transfer

Dear Mr. Faasen,

Thank you for the revised Environmental Features site plan for the above referenced intra-family subdivision request, which was provided with your letter dated September 20, 2002. I concur that it appears all previous comments have been addressed. In addition, you indicated in your phone message today that General Note 13 has been revised and you are awaiting a copy of the revised plat.

It has been a pleasure working with you on this project.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: CS 240-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 1, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

Re: SFD 20775 Eric Johnson Revised Planting Plan

Dear Elsa,

I have reviewed the revised planting plan and have no additional comments. Thank you for the opportunity to make follow-up comments.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

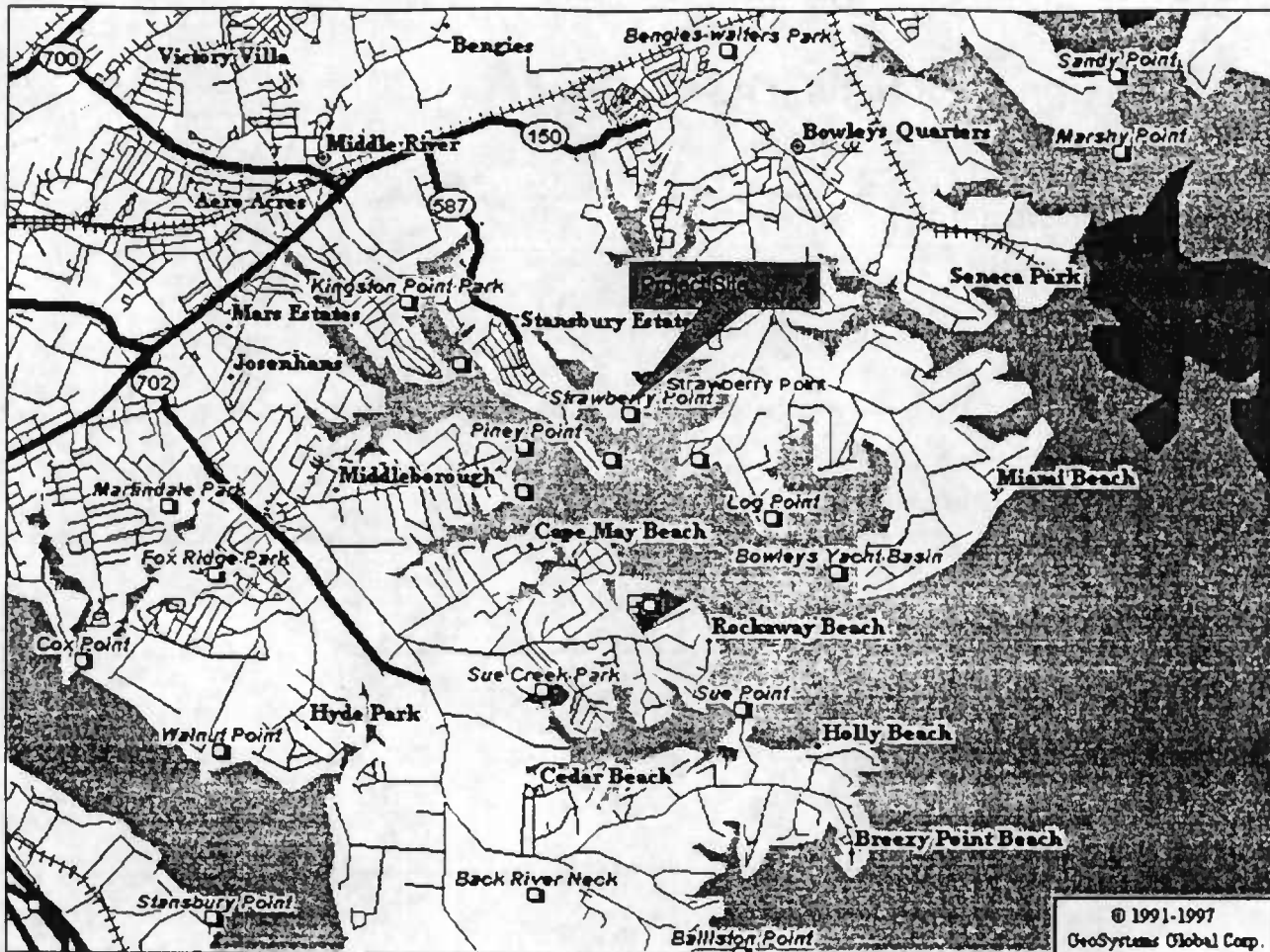
A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

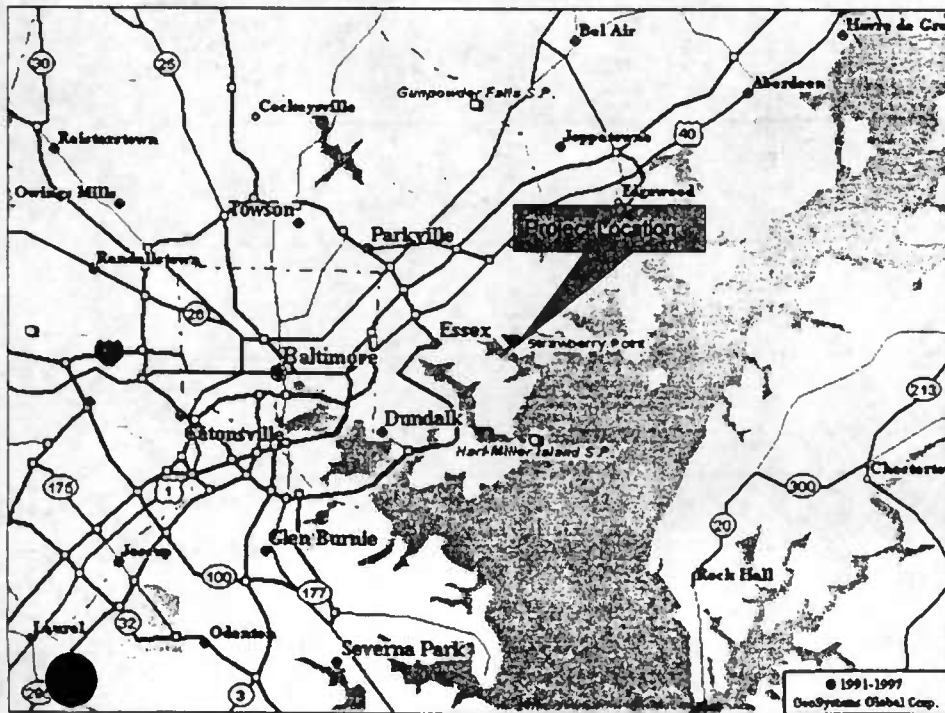
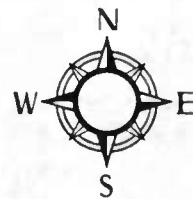
cc: CS 198-02
CS 492-02
Wes Tomlinson

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450



Site Map



Location Map

Project ID: C-146

County: Baltimore County

Location: Strawberry Point DNR Police Boating Facility

Description: Replace main pier and construct 20' pier

Fiscal Year 2004

**Maryland Department of Natural Resource
Waterway Improvement Program**

2004 - Project Comment Form

Project ID C146

Environmental Concerns:

(Please mark in the check box of any and all environmental areas you have comments on and explain why. Leave blank if you have no comments)

Environmental Issues

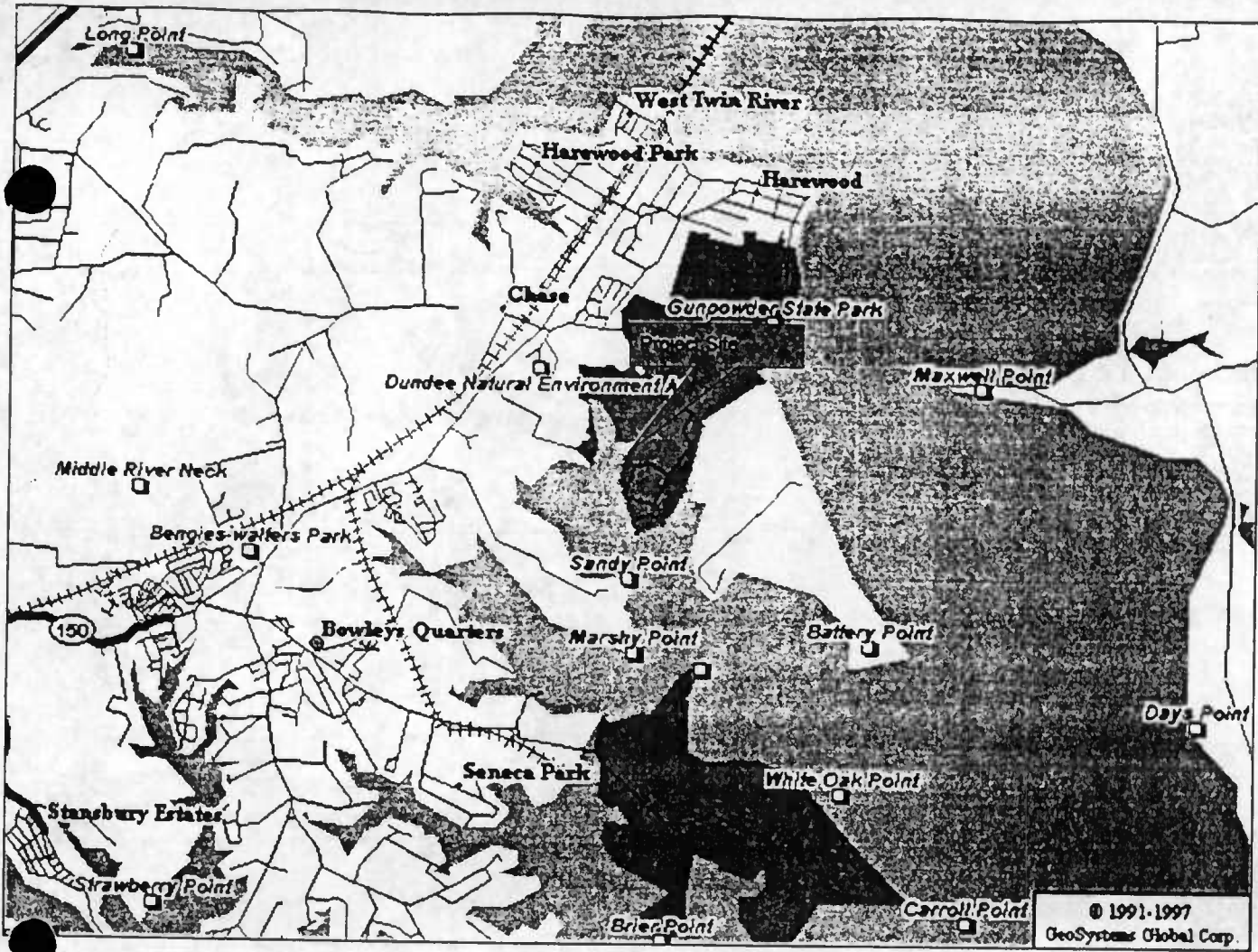
Comments

- Dredging
- SAV - Aquatic Vegetation
- Wetlands
- Oyster Bars
- Fish Spawning Areas
- Habitat Destruction
- Historical Site
- Other Wild Life Issues
- Protect Land Conflict

Other
 This project will need to be reviewed by the Critical Area Commission when the design is available. It may need formal approval by the Commission, depending on the scope of work proposed. Please contact Wanda Cole at 410-260-3481

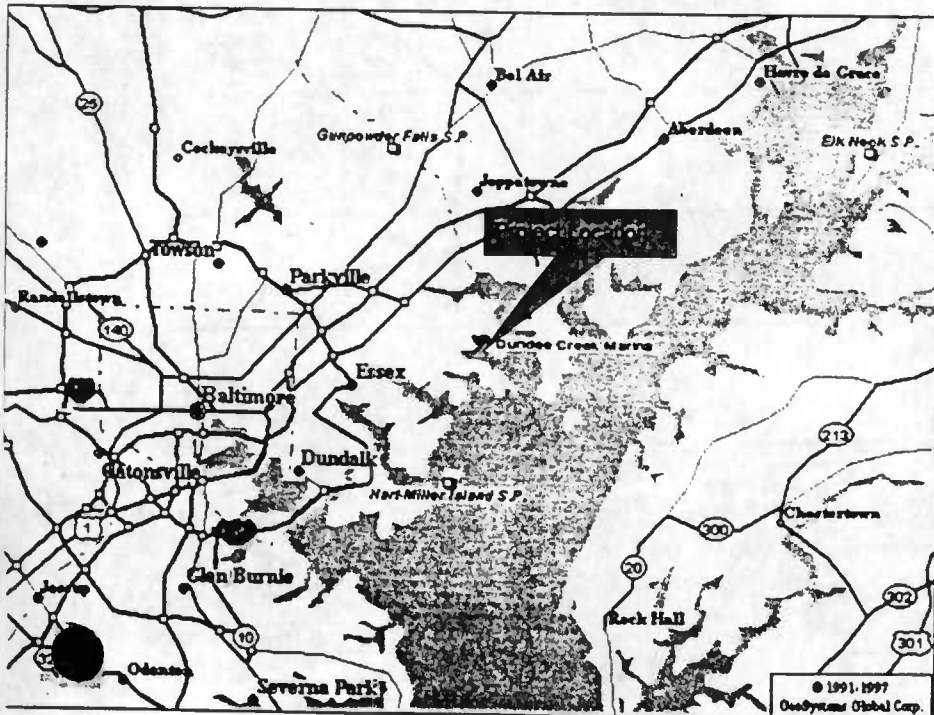
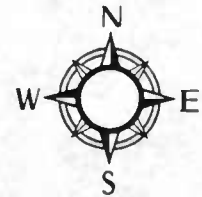
Review Name Wanda Cole - Critical Area Commission Review Date 09-20-02

Please return this Comments Sheet by September 30, 2002



© 1991-1997
GeoSystems Global Corp.

Site Map



© 1991-1997
GeoSystems Global Corp.

Location Map

Project ID: C-154

County: Baltimore County

Location: Gunpowder Falls St. Park, Dundee Creek Marina

Description: Construct floating pier

Fiscal Year 2004

Maryland Department of Natural Resource Waterway Improvement Program

2004 - Project Comment Form

Project ID C 154

Environmental Concerns:

(Please mark in the check box of any and all environmental areas you have comments on and explain why. Leave blank if you have no comments)

Environmental Issues

Comments

- Dredging
- SAV - Aquatic Vegetation
- Wetlands
- Oyster Bars
- Fish Spawning Areas
- Habitat Destruction
- Historical Site
- Other Wild Life Issues
- Protect Land Conflict
- Other

This project will need Critical Area Commission review when the design details are available. Depending on the Scope of Work, formal approval by the Commission may be needed. Please contact Wanda Cole at 410-260-

Review Name Wanda Cole

Review Date 9/23/02 30

Please return this Comments Sheet by September 30, 2002



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

September 30, 2002

Mr. Glenn Shaffer
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 02-08 Fitzpatrick Realty Variance Request

Dear Glenn,

On June 20, 2002, our office received the above referenced request for review, wherein the applicant proposes to construct a dwelling in the Critical Area Buffer on a grandfathered lot located in the RCA of the Gunpowder River. The information provided was incomplete, and during our phone conversation on July 8th, you advised me that the applicant had been informed to submit a revised site plan. You requested that I hold comments until the revised plan was submitted. To date, our office has not received a revised site plan.

With this letter, I am closing this file. If the applicant provides a revised plan at a later time, please reference our tracking number, BC 383-02, when forwarding the new information.

In the event the applicant wishes to pursue this request, I am providing the following comments as guidance regarding the information our office would need to see:

1. The Critical Area Boundary relative to the site must be shown on the vicinity map.
2. A 100' Buffer must be delineated on each side of the tributary streams and labeled on the plan. It appears that if the lot lies wholly within the 1000' boundary, the Buffer for the tributary stream will encumber the entire lot.
3. The soils information must be provided. Hydric soils might lie adjacent to the wetlands.
4. The applicant must obtain wetland permits from the Corps of Engineers and/or the Maryland Department of the Environment, who would most likely require mitigation.

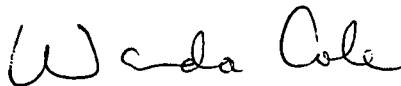
Branch Office: 31 Creamery Lane, Easton, MD 21601
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TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

5. Information on the amount of existing forest cover and the amount of clearing must be stated on the plan. Mitigation for forest cover cleared in the Critical Area Buffer is required at a 3:1 ratio using native plantings. We would recommend that the variance approval include a condition that the Buffer mitigation be first directed to the on-site Buffer.

Feel free to contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 383-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

September 30, 2002

Mr. Ken Ropp
Waterway Improvement
Capital Grants and Loans
E-4 Tawes Bldg
Annapolis, MD 21401

Re: WIP Projects E-162, 163, and 164 (Fishing Bay WMA)

Dear Ken,

I have made site visits and reviewed the above referenced projects, which involve maintenance of existing boat launch areas, access roads and/or parking facilities. These projects involve the resurfacing with stone of existing, crushed stone access roads and parking areas at Blue Point and Liners Road ramps, and resurfacing with asphalt of an existing asphalt access road and parking area at Best Pitch ramp. Concrete boat ramps will be constructed at Blue Point and Liners Road to stabilize existing boat launch areas where boats are being dragged over the natural creek banks, and a floating dock is proposed at the Best Pitch ramp.

Each of these projects lies wholly within the 100' Critical Area Buffer or expanded Buffer. Our review finds that these projects are existing, water-dependent and/or public recreational uses in areas where no reasonable alternative sites exist. The Critical Area Criteria permit such uses of the Buffer.

There will be little or no increase in impervious surface areas. No forest vegetation will be removed. There will be no new impacts to any Habitat Protection Areas. As a result, no mitigation is required.

These projects will not require formal approval by the Critical Area Commission. As you are already aware, a State tidal wetlands license must be obtained from Maryland Department of the Environment for the boat ramps, as well as any stormwater management and sediment and erosion control approvals that may be required.

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We recommend that bollards, fence posts, or similar physical impediment be placed around the perimeter of the parking areas to prevent encroachment into adjacent vegetated wetlands.

Please provide our office with copies of the final, detailed site plans, once they are available.

Thank you for the opportunity to comment.

Sincerely,

Wanda Cole

Wanda Cole
Natural Resources Planner

cc: John Moulis
Jordan Loran
Raj Williams

Subject: Fishing Bay WMA: Proposed Waterway Improvement Projects (3) and Wildlife Division Projects (3)

From: ^{wbc} Wanda Cole, Natural Resources Planner, Critical Area Commission

John Moulis and I toured these sites on September 25, 2002. I would never have found two of these areas on my own, and one I had driven past on September 5th, not recognizing it as a potential site. There is a need for improved signage to assist visitors to the area in finding their desired launch destinations.

General descriptions and observations:

1. Almost all of Fishing Bay WMA qualifies as Critical Area Buffer. Tidal vegetation comes right up to the road on both sides. I suspect that on storm surges and unusually high spring tides, many, if not all, of these parking areas are under water. They are probably not far from being inundated during mean high tides. As a result of these conditions, there are no upland alternatives to providing these public amenities. Elliott Island Road is quite long, the marsh expanses vast, and the opportunities where tidal creeks meander close to the road (or was it vice versa?) to allow access to the waterways are not many.
2. The existing launch areas are nothing more than scrapings on the banks of tidal guts, where boats have been dragged overboard. The bank is not high- barely even a foot-above the water level.
3. The limits of the existing gravel surfaces are not clearly defined in the field so that the extent of the "existing gravel" cover is not clear. The County Roads dept has spread some asphalt millings and stone in some of the areas. In areas where vegetation has grown in over the stone, the area has been kept mowed. There is evidence that the area is being used, based upon the manufactured detritus lying about the sites.
4. The Buffer is not fully functioning in these areas. These sites are existing uses which provide public access and recreation for fishermen, hunters, and paddlers.
5. There will be no clearing of woody vegetation. Where it appears that some of the surfacing material may encroach into areas where there is no existing stone, it will stabilize areas where tire ruts have formed and prevent muck from running off into the tidal guts.
6. While it is preferable that amenities such as these be more-sensitively located, there are no alternative sites in this area for doing so. The Commission considers these projects as maintenance projects, rather than new development, and as such, they do not require formal approval by the Commission. The Commission recommends that the perimeters of the parking lots be defined by bollards, fence posts, or similar physical impediment to keep parking confined to the stone surface, thus preventing users from further encroachment into vegetated wetlands with their vehicles.

Site conditions and project descriptions:

1. **02-DNR-150 Island Creek (ADC 39E4):** This project was previously approved by CAC in 1995 and reaffirmed in April 2002. MDE has already issued the wetland license for the project. An existing launch area had been cut into the soft shoreline. The bank material is a silt and peat-like muck. Attempts to stabilize the landing and its approach with asphalt millings and crushed brick have been attempted over the years, probably by the

County Roads dept. The shoulder is vegetated and kept mowed by Do. Co. DPW. The shoulder is compacted but it does not have a stone subsurface along most of its length. In some areas the tide encroaches over the pavement and the adjacent shoulder is soft, wet, and rutted.

The proposed work is to add 4,000 sf of stone to the road shoulder to create ten, 40-ft long x 10 ft wide parking spaces, to add stone to the ramp approach, and to harden the launch area with a 20 ft wide by 80 ft long concrete boat ramp. In addition, 2 stabilized, soft canoe landings would be constructed to each side of the ramp.

2. **02-DNR-082 Green's Island (Pokata Creek ADC 39E7):** There is no entrance road here but there is an existing gravel lot immediately off Elliott Island Rd. There is an existing, abandoned house next to this lot which DNR may own. The house also has an existing gravel parking area in front of it that could be used to expand the number of parking spaces. The launch area is also a cut into a soft shoreline.

The proposed work is to add 7500 sf of stone to the parking lot and to harden the launch area with a concrete ramp.

3. **WIP E-163 Langrell's Island/Blue Point launch area (Blue Point Branch ADC 39D10):** This is an existing gravel lot just off Elliott Island Road that is located very close to the tidal creek. A launch has been cut into a soft shoreline. Some phragmites restoration appears to have been done along the area, and patens and other wetland vegetation is growing over the stone and being mowed. The area could use some native plantings to offset stormwater quality impacts of the lot being so close to the water, and to keep parking from encroaching any further into the wetland vegetation. John pointed out that the marsh burnings done in the area would burn off any shrubs placed there. Trees are not likely to take hold as it is too wet and salty for most wetland trees. The trees would also be unprotected from high winds.

The work proposed in this area includes the surfacing of a 15,000 sf existing gravel parking lot and replacing the launch with a concrete ramp 12-15' wide.

4. **02-DNR-083 Langrell's Island (ADC 39D10 & 11):** This area has an existing access road from Elliott Island Rd, a parking lot, and a launch which is cut into a soft shoreline. Not all of the surface appears to have been treated with stone.

The work proposed includes 10,000 sf of stone surface treatment for the access road, 12,000 sf of stone for the parking lot, and hardening the launch area with a concrete ramp.

5. **WIP E-162 Bestpitch Boat Ramp (Transquaking River ADC 31F7):** This is an area off Bestpitch Ferry Road where the existing paved entrance road, parking lot and improved ramp all look like a typical public watermen's dock. This area has been in public use for quite some time.

The work proposed here is resurfacing of the existing 34,000 sf asphalt entrance road and existing 65,000 sf parking lot, to resurface or repair the existing boat ramp and add a soft landing for canoes. A floating dock and some security lighting are also proposed.

6. **WIP E-164 Liners Road Boat Ramp (Raccoon Creek ADC 36K3):** This is an existing stone ramp and an ill-defined, irregular-shaped, stone parking lot near the corner of Liners

Road and Robbins Road.

The work proposed involves the surfacing with gravel of an existing 10,000 sf parking lot and replacing the stone ramp with concrete.

In summary, these are maintenance projects and will not require formal approval by the Critical Area Commission. No mitigation plantings are required since there are no new disturbances to either the 100' Critical Area Buffer or to the 1000' Critical Area. It is recommended that the perimeters of the parking area be defined by an appropriate physical impediment to prevent further encroachment into vegetated wetlands.

cc: Raj Williams
John Moulis
Louise Hanson
Jordan Loran
Ken Ropp



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

September 30, 2002

Ms. Raj Williams
Resource Planning
E-4 Tawes Bldg
Annapolis, MD 21401

Re: Fishing Bay WMA: 02-DNR-082, -083, and -150

Dear Raj,

I have made site visits and reviewed the above referenced projects, which involve maintenance of existing boat launch areas, access roads and/or parking facilities. These projects involve the resurfacing with stone of an existing, crushed stone access road and three parking areas at Langrell's Island, Green's Island and Island Creek. Concrete boat ramps will be constructed at each site to stabilize existing boat launch areas where boats are being dragged over the natural creek banks.

Each of these projects lies wholly within the 100' Critical Area Buffer or expanded Buffer. Our review finds that these projects are existing, water-dependent and/or public recreational uses in areas where no reasonable alternative sites exist. The Critical Area Criteria permit such uses of the Buffer.

There will be little or no increase in impervious surface areas. No forest vegetation will be removed. There will be no new impacts to any Habitat Protection Areas. As a result, no mitigation is required.

These projects will not require formal approval by the Critical Area Commission. As you are already aware, a State tidal wetlands license must be obtained from Maryland Department of the Environment for the boat ramps, as well as any stormwater management and sediment and erosion control approvals that may be required.

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We recommend that bollards, fence posts, or similar physical impediment be placed around the perimeter of the parking areas to prevent encroachment into adjacent vegetated wetlands.

Please provide our office with copies of the final, detailed site plans, once they are available.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: John Moulis
Raj Williams
Louise Hanson
Jordan Loran

Subject: Fishing Bay WMA: Proposed Waterway Improvement Projects (3) and Wildlife Division Projects (3)

From: Wanda Cole, Natural Resources Planner, Critical Area Commission

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In summary, these are maintenance projects and will not require formal approval by the Critical Area Commission. No mitigation plantings are required since there are no new disturbances to either the 100' Critical Area Buffer or to the 1000' Critical Area. It is recommended that the perimeters of the parking area be defined by an appropriate physical impediment to prevent further encroachment into vegetated wetlands.

cc: Raj Williams
John Moulis
Louise Hanson
Jordan Loran
Ken Ropp



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

September 26, 2002

Ms. Colleen J. Bonnell
Town Planner
Commissioners of Leonardtown
41675 Park Avenue
PO Box 1
Leonardtown, MD 20650

Re: Robert Combs Building Permit, Breton Bay Drive

Dear Colleen,

Thank you for providing the site plan and planting agreement of the above referenced property for our review and comment. The applicant proposes an office/garage addition to an existing house located on a grandfathered lot in the LDA of Breton Bay. The following comments are provided for your use:

1. In 1996, the Critical Area Law was amended to grant relief to grandfathered lots under one acre in size to allow additional impervious surface areas according to lot size. This amendment reduced the need for variances that would have been required due to existing, non-conforming impervious surface conditions. This lot may utilize up to a maximum impervious surface area limit of 5,445 square feet. Attached is a copy of the impervious surfaces guidance paper dated February 1996 that includes a table showing the impervious surface amounts according to lot size.
2. Although the new development is not proposed on the site's steep slopes, the requirements for expansion of the Buffer for contiguous, steep slopes would cause the existing 100' Buffer line to be expanded another 60 feet. This would place the expanded Buffer line parallel to the outermost portion of the steps facing Breton Bay Drive. The entire addition is then located within the expanded Buffer and a Buffer variance would be needed. We would not oppose the granting of a variance and would recommend that the variance include a condition that the required 3:1 mitigation be accomplished on-site.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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3. The Critical Area Planting Agreement needs to provide for the required 3:1 mitigation for new disturbances to the Buffer using native forest plantings.
4. The engineer's calculations for the driveway are correct. We do not recommend this type of paver for areas receiving regular, daily use as their surfaces require maintenance to retain their porosity.
5. The 10% pollutant reduction calculations will not be required for this development as it is proposed in the LDA. Properties located in the IDA would need to meet the 10% requirement.
6. The Critical Area note regarding 30% clearing allowed is misleading. The note must be revised to indicate that clearing is limited to 30% of the **existing** forested area. This plan states that no clearing will occur, however, the plan must show the limits of the existing forest cover and quantify that amount so that the clearing information can be verified.
7. Please verify the address on the planting agreement, which states an address of 22515 Breton Bay Drive. The state's tax assessment database indicates Mr. Combs owns property at 22505 Breton Bay Drive.
8. The Critical Area notes must indicate that this property is located in the LDA.
9. Mr. Bill Higgs at Little Silences Rest indicated that the shed, walkway, and concrete pad are to be removed in the effort to reduce impervious surface areas. A note is needed on the plan to label these features as "To Be Removed".

Again, thank you for the opportunity to comment. Please call me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

Enclosure

cc: LE 566-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

September 24, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Louise F. Smith, et al. Subdivision

Dear Steve,

Thank you for taking the time to visit this site with Sean Callahan and I on September 16th. I am providing a summary of our observations and discussions during that visit. In addition, I am providing further guidance regarding the stream/ditch on the east side of the property.

- The two intermittent streams, which appear on the Dorchester County Soil Survey map sheet # 12 on the west side of the property and are shown to drain toward the tidal pond, were not present in the field. Although the MERLIN color infra-red imagery also suggests that these areas may remain wet, in the field they have been obliterated by farming practices and are covered completely by crops. These areas do not appear as intermittent streams on USGS topo maps.
- We observed a wetland fringe between the tidal pond and the equipment access lane that skirts the ag field. In one area, the access roadbed was wet. These areas lie wholly within the 100' Critical Area Buffer so that the Buffer need not be expanded. However, the Buffer line for this area needs to be completed on the drawing.
- The southernmost stream on the west side was actually a ditch with a narrow band of riparian vegetation alongside it. This ditch did not appear to carry water at any time outside a rain event. No wetland vegetation was present and a thick stand of upland turf grasses and forbs predominated. This ditch does not appear as an intermittent stream on USGS topo.
- On the east side of the property, there is a U-shaped ditch that appears to follow the property line. This ditch is shown on both the Soil Survey and USGS topo maps as an intermittent stream. In the field, the ditch was dry, however, the ditch walls contained

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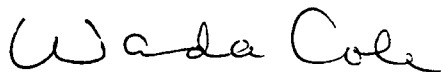
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dark, damp soils despite the extended drought. Nontidal wetland species were observed growing in the invert, and the woody, riparian vegetation was predominantly facultative or fac-wet species. This ditch drains to the headwaters of a tidal marsh and qualifies as a tributary stream by definition found in COMAR 27.01.01.01. B (72). Both the stream and its 100' Buffer must be shown on the plat.

- At the confluence of this ditch with LeCompte Bay is an impressive *patens/baccharis* tidal marsh. This area appears on State tidal wetland map # 233 Dorchester County. This area must be shown on the plat and a 100' Buffer provided starting at the landward edge of the tidal boundary. It is possible that contiguous nontidal wetlands may lie adjacent to the tidal area and extend beyond the 100' Buffer. An expansion of the Buffer would then be required to include the nontidal areas, plus the 25' regulated nontidal wetland buffer.

If you have any questions regarding these items, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: DC 494-02
Sean Callahan

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 23, 2002

Mr. Tony McClune
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

Re: Gabler's Shore

Dear Mr. McClune: *Tony:*

I have reviewed §267-41.1.F(5)(c).(5) of the Harford County Zoning Code, which states that certain uses may be permitted in the RCA if the County determines that impacts of the proposed use on habitat and water quality are minimized and the proposed use is consistent with the intent of the RCA. Both COMAR and the County Zoning Code state that existing marinas in the RCA are permitted to expand if the expansion will not adversely affect water quality. At Gabler's Shore, the applicant proposes to reconfigure and continue the uses that existed prior to the County's Critical Area program. A Buffer will be provided along the water where one does not exist today. It is your contention that the applicant can pursue site plan approval because he meets the above provisions. This office concurs. However, you also stated that the applicant intends to pursue a mapping mistake within the next few months, which the County supports. This office also supports that intent and recommends the mapping mistake be processed in a timely fashion so as to ensure that any additional proposals will conform to all allowable uses.

I hope this clarifies the Commission's position. Please call me if you have any other questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

cc: Mr. Ren Serey
HC559-02

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Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 20, 2002

Ms. Patricia Farr
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Md 21204

Re: Baltimore County Department of Public Works:
1-6-11 Stemmer's Run Wastewater Pumping Station, and
1-6-13 Stemmer's Run Wastewater Force Main

Dear Pat,

Thank you for the opportunity to review the above referenced projects. We have determined that these projects may be processed in accordance with COMAR 27.02.02 State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. The County must provide a letter certifying that these projects are consistent with the local Critical Area program. This letter must include a description of that portion of the project that lies within the Critical Area; discussion of temporary and permanent impacts to Habitat Protection Areas, forest resources, and new impervious surfaces; and any mitigation that will be required to offset the development impacts. We will provide additional comments when we have received the consistency letter.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Diane Cole
Natural Resources Planner

cc: BC 535-02
BC 550-02

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Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 20, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

Re: MSUB # 02-100-029 Ginger's Farm Lot 1

Dear Theresa,

This letter is follow-up to our conversation of September 17th, where you advised the plat failed to state the applicant's intention to subdivide according to the intra-family transfer provisions. The following comments are in addition to our comments dated September 16, 2002:

The property contains 24.075 acres located entirely in the RCA of Canoe Neck Creek. The applicant proposes to create Lot 1, a 5.79 acre parcel around existing development, to include one dwelling and two outbuildings. Outparcel A will contain the remaining 18.284 acres and an existing barn. Although this property qualifies for three Critical Area intra-family lots, the applicant is proposing only one lot at this time.

- The plat must state the name of the immediate family member(s) who are the Grantees of Lot 1 and their relationship to the Grantor.
- The plat must provide a statement that any further subdivision of Outparcel A can occur only in accordance with the intra-family transfer provisions.
- We recommend that the plat include the statement, "This subdivision meets the provisions of Natural Resources Article § 8-1808.2 Intrafamily transfers."

Please call me at 410-260-3481 if you have questions regarding these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 517-02

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Chairman

Ren Serey
Executive Director

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September 20, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 020859 Henry Cabbage Parcel A

Dear Elsa,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling, driveway, well and septic in the designated Resource Conservation Area of Nanjemoy Creek. No development is proposed in the expanded Critical Area Buffer.

The following comments are provided for your use:

1. The plan must be revised to provide the additional information needed for Critical Area review. I concur with the comments in your letter dated September 3, 2002 to Ben Dyer Associates regarding correction of the impervious surface note; showing the existing woods line; obtaining a determination letter from the Wildlife and Heritage Division (WHD) on the Natural Heritage Area, as well as the forest, which appears to have the potential to be FIDS habitat; showing information on streams, wetlands, steep slopes; and delineating or expanding the Buffer for each of these.
2. Please provide a copy of the revised plan and the Wildlife and Heritage determination letter once they are available. I may have additional comments based upon their content.
3. The plan must include information on whether the unauthorized access to the shoreline will be completed or if the area will be restored. The figure for total forest clearing must include the clearing that was accomplished for the unauthorized access. Please indicate on the plan the mitigation ratio for clearing in the expanded Buffer.

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4. The information on the plan shows the lot as almost entirely forested. The mitigation planting plan shows plantings in the Buffer. If the Buffer is fully established in forest cover, these plantings would not provide an additional benefit. We recommend that the mitigation plantings be provided in an area that will provide equivalent wildlife habitat and/or water quality benefit. If the forested area on this site has a widely-spaced canopy, these species would then provide good understory canopy and complete the overstory canopy.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: CS 536-02



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 19, 2002

Ms. Elsa Ault
Charles County Government
Planning and Growth Management
P.O. Box 2150
La Plata, Maryland 20646

RE: Efton Hill- Steven and Sandra Morgan Habitat Protection Plan

Dear Ms. Ault:

We have reviewed the applicant's revised Habitat Protection Plan (HPP) provided on August 26, 2002. We are unable to complete our review at this time because the site has not yet been surveyed for the presence of endangered plants. The HPP is required if a rare species exists. If a rare species is found, the HPP must include a thorough discussion on the identification of any invasive species that occur in the area which might jeopardize the rare plants. The HPP must elaborate upon the control methods that would be used, including the types of herbicides, their application rates and methods. Additionally, discussion on the maintenance of the roadway or home site is needed to identify how sediment runoff would be prevented from reaching the area that supports the rare plants.

The revised HPP does not address all the comments in our letter dated March 15, 2002. If rare plants are found, the applicant must incorporate the changes outlined in that letter.

No credit can be provided for a Buffer mitigation area that utilizes the edge of the existing roadway, as the canopy is already closed in that area. An on-site Buffer mitigation area was recommended. Any alternative location must be identified, discussed in the HPP, and provided for Critical Area review and approval. A planting plan will also be necessary.

The K factor for highly-erodible soils is 0.35, not 0.17, as stated in the HPP.

It is our understanding that Ms. Katherine McCarthy, Wildlife and Heritage Division, will be surveying the site for rare plants and invasive species on Monday, September 23, 2002. We may wish to provide additional comments based upon her findings.

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Thank you for working so closely with us to develop this Habitat Protection Plan for this important Natural Heritage Area. If you have any questions, please call me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: Kathy McCarthy
Claudia Jones
CS 272-01

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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September 18, 2002

Ms. Karen Houtman
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Arthur B. and Gladys M. Kahler Proposed Variance

Dear Ms. ~~Houtman~~, *Karen*

I have reviewed the site plan submitted by the applicant's attorney, Mr. Sandy McAllister, which is being provided prior to making application for a variance. The applicant proposes the construction of a dwelling, driveway and septic disposal area on a property located in the RCA of Hudson Creek. This is a grandfathered lot which is entirely constrained by the expanded Critical Area Buffer.

Given the unusual site constraints, this office does not oppose the granting of a variance for this request provided that the 15% impervious surface limit is not exceeded, and that a nontidal wetland permit is obtained from Maryland Department of the Environment. We recommend that the variance approval include a condition that the required 3:1 Critical Area mitigation plantings be provided on-site.

Please provide this office with a copy of the written decision made in this case.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 565-02
Ace Adkins

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Cole, Wanda

From: Cole, Wanda
Sent: Tuesday, September 17, 2002 3:21 PM
To: Elsa Ault (E-mail)
Subject: FYI Tree cutting desired at 1300 Pine Grove Rd, Cobb Island

Hi, Elsa.

You may be getting a phone call from a George Snyder (?) who called me about tree cutting in the Critical Area. He works with his father in a landscaping business. A customer named Saunders at 1300 Pine Grove Rd has a property that is about 1000' from the water but may be in the Critical Area. It is located at the end of the island.

The customer wants to cut 7 cedar trees, 2 of which are dead, the others dying. In order to put in a ready-made Amish gazebo that will be set on the ground. I don't know if your ordinance requires a building permit for a gazebo, but if it is in the C.A., it would be a structure/new development, and you would need to look at what the site's impervious surface disturbances look like. I advised the caller to call you about getting a tree cutting permit, that there would be a replacement requirement (which the customer already intended to do), and that the gazebo would represent an impervious surface, even if it was just sitting on top the ground, and would require a C.A. approval of some sort.

I told the caller that you may already be familiar with the site if the owner has applied for building permits in the past. If you don't get a call from him, you might want to send somebody down that way to follow up on what they are doing. I think it's great he called.

Thanks much.

Wanda Diane Cole
Natural Resources Planner
Critical Area Commission for the Chesapeake and Atlantic Coastal Bays
1804 West Street, # 100
Annapolis, MD 21401
Office: 410-260-3481
FAX: 410-974-5338

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 16, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Variance Cases 2118, 2119, and 2120 Richard E. & Nancy Codri Boardman

Dear Mr. Dodd,

Thank you for the opportunity to review the above referenced variance requests. The applicant intends to consolidate four existing lots at Sunset Farms subdivision into two lots- Lots 1A and 2A in order to meet Maryland Department of the Environment requirements regarding nontidal wetlands. Each lot is constrained by the expanded Critical Area Buffer, leaving little opportunity to avoid impacting the Buffer by development. This is a grandfathered subdivision located in the LDA of Brooks Creek.

This office does not oppose the granting of these variances. We recommend that the variance approvals include a condition that the required 3:1 mitigation plantings be first directed on-site.

Please provide this office with a copy of the written decision made in this case. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 520-02
DC 521-02
DC 522-02

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September 16, 2002

Mr. Keith Kelley
Baltimore County
Department of Environmental Protection
and Resource Management
401 Bosley Avenue, Suite 416
Towson, Md 21204

RE: 02-10 John W. Neidhart and Sarah C. Roemmelt

Dear Mr. Kelley,

Thank you for the opportunity to comment on the above referenced variance request. The applicant is proposing the construction of a screened porch that will cause the property to exceed the maximum impervious surface limit allocated to it during the subdivision approval phase. This property is not a grandfathered lot and is located in the LDA.

Based on the information provided, we would oppose a variance for the screened porch but not a pervious deck. The Code of Maryland Regulations and Baltimore County Zoning Ordinance both provide standards a local government must use when granting a variance. I have outlined those standards below:

1. That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant. The lots in this subdivision are similarly constrained by an impervious surface allocation as provided on the plat in General Note # 42.
2. That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction. Other properties in this subdivision are constrained by an impervious surface allocation and have modified the footprint of their dwelling and desired amenities to comply with the impervious surface requirements.
3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area. If the variance is granted, it would

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confer a special privilege that would be denied to others in this subdivision, as well as in similar situations in the County's Critical Area.

4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property. This appears to be met.
5. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations. The increase in impervious surface at this lot will have an adverse affect on water quality. The applicant has noted that runoff from this structure will flow to a wet area with heavy vegetation nearby. Additional pollutants discharged to this wetland has the potential to degrade this habitat, and the additional water volume and velocity could set up erosive actions that would further degrade this area and areas downgrade from the discharge point.

Thank you, again, for the opportunity to comment. Please provide this office with a copy of the written decision made in this case. Feel free to contact me at 410-260-3481 if you have any questions regarding these comments.

Sincerely,



Wanda Cole
Natural Resources Planner

cc: BC 516-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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September 12, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 20836 Christopher T. Kauffman

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to construct a dwelling with garage, driveway, well and septic in the designated Resource Conservation Area of Patuxent River. No development is proposed within the 100-foot Critical Area Buffer.

I concur with your August 26, 2002 comments to the applicant's consultant regarding the need for additional information on existing forest cover, impervious surfaces, and state tidal wetlands. We may have additional comments once we receive this information.

If you should have any questions regarding these comments, please don't hesitate to contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 512-02
DH Steffens

1
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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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September 10, 2002

Mr. Lloyd Gallatin
US Army Corps of Engineers
Baltimore District
Maryland Section, Southern
PO Box 1715
Baltimore, MD 21203-1715

Re: NAS/West Basin Marina/Piers 02-64944-12

Dear Mr. Gallatin,

The Critical Area Commission has no concerns regarding the replacement of a 53-slip marina at Patuxent Naval Air Station with longer, reconfigured piers that would provide 124 slips. The West Basin appears to have sufficient tidal exchange to provide adequate flushing action. We recommend that the contractor's stockpile and staging areas be located outside the 100' Critical Area Buffer.

If this marina expansion will create the need for additional, land-based services, such as fuel storage areas, additional parking, realignment of access roadways, and/or new or expanded structures, the Naval Air Station is requested to forward the design details to me for review at the earliest opportunity. I may be reached at 410-260-3481 for any questions regarding this request. I may also be reached via email at: wcole@dnr.state.md.us.

Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: Kyle Rambo

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Chairman



Ren Serey
Executive Director

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September 10, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 20743 and DEM 20066 Coldspring Farm Parcel B

Dear Ms. Ault,

Thank you for the opportunity to comment on the above referenced site plan. The applicant proposes to demolish and replace an existing dwelling in the designated RCA of Hill Run.

Our office has no comments on this site plan. However, I would like to clarify the history regarding Parcels B and C, which were formerly Lots A and AA. In October 1995, our office reviewed the creation of Lot A. In 1997, Lot AA was created and a second dwelling unit was proposed on Lot A. It appears the second house was located on Lot A as Lot AA was entirely encumbered by the expanded Buffer and labeled on the plat as "not an approved building lot".

Information on the plats indicate that two RCA densities existed, which have now been used. The lot line adjustment was accomplished on Lots A and AA to create Parcels B and C. The plats for Lots A and AA also include the necessary Critical Area notes regarding disturbances in the Buffer and Critical Area forest conservation.

It is our understanding that the site plan has been revised to move the sewage reserve area entirely out of the Critical Area Buffer and to address the comments in your August 6, 2002 letter to Ben Dyer Associates. At your earliest convenience, please forward a copy of the revised plan for our files.

Please contact me at 410-260-3481 if you have any questions about these comments.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 576-01

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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September 10, 2002

St. Mary's College
c/o Mr. Frank C. Lin
ADTEK Engineers, Inc.
208 West Patrick Street
Frederick, MD 21701

Re: Critical Area Commission Approval of St. Mary's College New Entrance Road

Dear Mr. Lin,

I am pleased to inform you that on September 4, 2002, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays unanimously approved the above referenced project, which appears on plans titled, "St. John's Archaeological Exhibit, New Entrance Road for St. Mary's College" and dated July 24, 2002. If design revisions should be made to portions of the project located within the Critical Area so that the footprint or the stormwater management practices would be affected, our office would need to review those changes to determine if this approval would also need to be revised.

Thank you for your participation in this process. Please contact me at 410-260-3481 if you need further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Diane Cole".

Wanda Diane Cole
Natural Resources Planner

cc: 35-02
Chip Jackson

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Critical Area Commission

STAFF REPORT

September 4, 2002

APPLICANT: St. Mary's College

PROPOSAL: St. John's Archaeological Exhibit – New Entrance Road

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Wanda Cole

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in
Development on State-Owned Lands

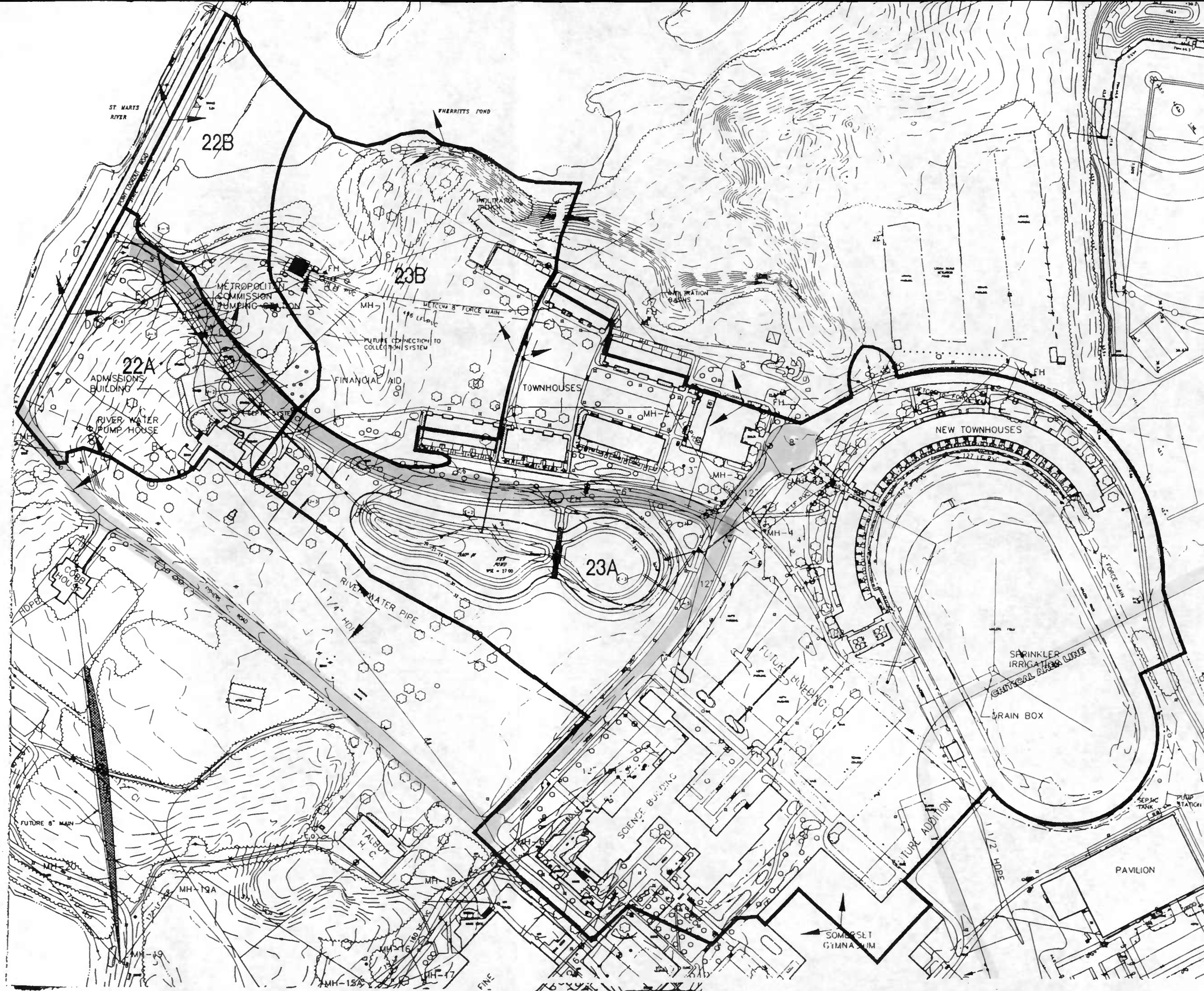
DISCUSSION:

This project involves the relocation and reconfiguration of an existing entrance road at St. Mary's College. Currently, Fisher Road connects Point Lookout Road to Mattapany Road and provides access to the Admissions Building, North Campus academic buildings, and several student housing complexes. The entrance of the road is being relocated to the location of the existing driveway to the Admissions Building located approximately 360 feet north of the current entrance.

The existing access road needs to be relocated because the heavy traffic on the road compromises an important archaeological site that is located very close to the edge of the road. The foundation of an historic structure is beginning to experience significant deterioration because of the proximity to the road. The current road location also impedes the development of a proposed Visitor's Center and parking lot associated with the site. The new location of the road will provide better access to the Admissions Building and to existing student housing and will facilitate the development of a much-needed parking lot near the St. John's Archaeological Site.

St. Mary's College is recognized as an area of intense development; therefore new development and redevelopment must comply with the 10% pollutant reduction requirements. For purposes of developing the design for the stormwater management system, the project site has been divided into four drainage areas totaling 27.72 acres. The removal requirement is 12 pounds of phosphorus which shall be removed by a dry swale and a multiple pond system. An underground collection system will be used to direct stormwater to the multiple pond. The Maryland Department of the Environment is reviewing the stormwater management design, and it is anticipated that it will be approved by the date of the Commission meeting.

St. Mary's
College
New entrance
Road



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

September 3, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Mitigation Plan for Norman and Helen D'Amour Variance

Dear Steve,

Thank you for the opportunity to review the above referenced planting plan, which is part of the variance approval. I would like to request that the mitigation plantings include mixed species since the species being disturbed include both hardwoods and loblolly pines. I recommend willow oak, red maple, sweet and black gums, red oak, sycamore, American holly, red cedar, and green ash as possible choices. These species are easily obtainable from local nurseries and suitable for growing in this area.

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: DC 327-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

September 3, 2002

Ms. Theresa Dent
St. Mary's County Department of Planning & Zoning
22740 Washington Street
PO Box 653
Leonardtown, MD 20650-0653

RE: # 02-0746 James Wible, Lot 11 Sotterly Manor

Dear Theresa,

Thank you for the opportunity to comment on the above referenced variance request. The applicant proposes the construction of a dwelling, driveway, septic and well on an undeveloped, grandfathered lot located in the LDA of St. Thomas Creek. This lot is almost entirely constrained by the Buffer, which has been expanded for a highly erodible soils and steep slopes.

This site is also largely forested and the forest represents riparian habitat. Similarly, aerial information shows that this forest is contiguous to a larger forested area, suggesting that the forest on this site is potentially FIDS habitat. If this area is FIDS habitat, the applicant will need to assess the amount of FIDS impacts and provide a FIDS mitigation planting plan, if necessary.

A determination must be obtained from the Department of Natural Resources Wildlife and Heritage Division (WHD) regarding the presence of any rare, threatened, or endangered species and/or their habitats, including FIDS, at this site. A copy of the determination letter must be provided to this office for additional review. Any comments provided by WHD must be addressed on the site plan.

Our office requests that a decision on this variance request be deferred until such time as the WHD has made a determination and any FIDS issues have been addressed.

Please provide this office with a copy of the written decision made in this case. If you have questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: SM 515-02
Lori Byrne

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

August 28, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

RE: SFD # 020609 Charleston Estates Lot 3 Planting Plan

Dear Elsa,

Thank you for the opportunity to comment on the above referenced planting plan. It reflects revised locations for both the existing woods line and the driveway alignment. I have reviewed this plan and have the following comments:

1. The Critical Area note regarding required forest coverage is still misleading. I recommend it be eliminated entirely as it serves no purpose. The site contains more than the minimum requirement of 15% forest cover. All of this forest cover must be maintained, either by avoiding disturbance to the existing forest, or by mitigation of disturbed forested areas. The applicant is clearing less than 30% of the existing forest and will be mitigating that loss.
2. A plan note states that 39, 875 square feet of forest will be cleared. The table, "Critical Area Mitigation Plan", states that the forest clearing will be 31,850 square feet and proposes 40,000 square feet of mitigation plantings. Please verify the amount of forest clearing and ensure the proper mitigation is provided.
3. The Mitigation Plan totals 100 plantings but the drawing shows only 80: 70 trees alongside the existing driveway and 10 around the homesite. Please advise where the remaining 20 trees are proposed to be planted.

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(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Thank you for your assistance with these items. If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 421-02
Ben Dyer Associates, Inc.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

August 28, 2002

Ms. Elsa Ault
Charles County
Department of Planning and Growth Management
PO Box 2150
La Plata, MD 20646-2150

Re: SFD 20775 Eric Johnson Planting Plan

Dear Elsa,

Thank you for the opportunity to review and comment on the planting plan that has been provided to comply with the Decision and Order issued by the Board of Appeals pursuant to the variance hearing on case # 1063. I have reviewed the planting plan and have the following comments:

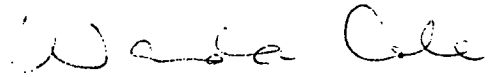
1. I concur with your statement that the mitigation plantings are not being shown at the required ratios for the respective disturbances at this site. These disturbances should be quantified and stated on the plan.
2. Only species native to Maryland should be used. All forest mitigation plantings must be woody species, not herbaceous. *Vinca* is not a woody species. It is considered an exotic, invasive species. *Juniper* species are ornamental cultivars, and do not appear on any of the lists of Maryland natives. This is the case with most azaleas. If azaleas are to be used, the species must be identified in order to determine if they are Maryland natives.
3. The landscape architect should verify that the selected species can survive salt spray, alternate wet/dry conditions, winter wind and summer drought that is likely to occur at this site.
4. Please provide this office with a copy of a revised planting plan that provides for all the mitigation requirements. We may wish to provide additional comments based upon our review of the revised planting plan.

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(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

If you have any questions regarding these comments, please contact me at 410-260-3481.

Sincerely,

A handwritten signature in cursive script that reads "Wanda Cole".

Wanda Cole
Natural Resources Planner

cc: CS 198-02
CS 492-02
Wes Tomlinson

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

August 28, 2002

Mr. Steve Dodd
Dorchester County
Department of Planning and Zoning
PO Box 107
Cambridge, MD 21613

Re: Louise F. Smith, et al. Subdivision

Dear Steve,

Thank you for the opportunity to review the above referenced site plan. The applicant proposes to subdivide a parcel with 81.944 acres in the Critical Area to create three lots in the RCA of LeCompte Bay. One of these lots is being created around existing conditions. The following comments are provided for your use:

1. After consulting aerial imagery (copies enclosed) in the Dorchester Soil Survey and the MERLIN on-line database, it appears several tributary streams may be present for which the Buffer will need to be delineated. In addition, the soil survey shows hydric soils across much of the area, and the aerial images confirm wet soil conditions which might support nontidal wetland vegetation. I would like to make a site visit with you and/or your staff to look for streams and examine the soil conditions. I would like to recommend September 6th, as I will be meeting with your staff for another site visit that morning. The applicant may need to revise the plan if these streams and wetlands do exist.
2. The State tidal wetland acreage on this site must be quantified and stated on the plan. This acreage must be deducted from the parcel acreage when calculating density. The MERLIN images suggest the State tidal wetlands on this parcel may cause the parcel to be eligible for only three RCA density rights.
3. I concur with your statement that the 100' Buffer must be fully established due to the change in use, that the property requires 15% afforestation, and that the Buffer plantings may count toward the 15% afforestation. Please send me a copy of the planting plan for my review once it is available.

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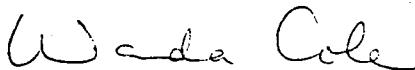
4. The applicant must obtain a determination from the Wildlife and Heritage Division (WHD) regarding the presence of rare, threatened and endangered species and their habitats at this site. MERLIN data indicates there may be a sensitive species or habitat along the southern edge of the property. If the WHD finds that such species or their habitats are present, the applicant must address the WHD comments and submit a revised plan for review and additional comment. A copy of the WHD letter must be provided to this office for review prior to being issued any approvals.

5. While the amount of existing impervious area appears to be well below the maximum limit of 15%, the amount of existing impervious area must be quantified and stated on the plat.

Thank you for your assistance with these items. Please let me know if September 6th will be a good day for a site visit with you.

If you have any questions regarding these items, please contact me at 410-260-3481.

Sincerely,



Wanda Cole
Natural Resources Planner

Enclosures (4)

cc: DC 494-02

MEMORANDUM

TO: Ray Dintaman (ER and FS)
✓ Regina Esslinger (CBCAC)
Tim Larney (WHS)
Marian Honeczy (FORS)
Arnold Norden (LWCS)

RECEIVED

AUG 26 2002

CRITICAL

FROM: Diane R. Evans *DRE*
EBPGM

DATE: August 21, 2002

RE: Amendment to Case CWSP 02-120-008 for Sewer Service for Short Acres in California, MD, St. Mary's County

St. Mary's County has submitted an amendment to their Sewerage Plan for our review and comment. It would be appreciated if you would evaluate their amendment for a determination of consistency within your Department's plans and programs. A copy of the document is attached to this memo. If you have technical questions, please call me at 410-260-8722.

In order to facilitate DNR's response to this request, please submit your comments to me **no later than Friday, September 13, 2002.**

CHECK ONE, INITIAL AND DATE

CHECK INITIAL DATE

The plan does not conflict with the plans, programs or objectives of this agency.

✓ wdc 9/10/02

The plan does not conflict with this agency's plans, programs or objectives, but the attached comments are submitted for consideration.

~~✓ wdc 8/29/02~~

The plan conflicts with this agency's plans, programs or objectives for the reasons indicated on the attachment.

Thank you for your assistance with this matter.

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 10, 2002

APPLICANT: St. Mary's County

PROPOSAL: Comprehensive Review of the St. Mary's County Critical Area Ordinance and Maps

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

PANEL: Gary Setzer (Chair), David Cooksey, Louise Lawrence, and Jack Witten

PANEL RECOMMENDATION: Pending Panel Discussion

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Wanda Cole

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article, § 8-1809(g)

DISCUSSION:

St. Mary's County has recently completed the required four-year review of their Critical Area Program. The review included the County's Zoning Ordinance document and the Critical Area maps. St. Mary's County does not have a Critical Area Program document. Calculation of the acreage of the three land use categories and evaluation of the status of the County's growth allocation was conducted. Of the 42,994 acres within the Critical Area, 1,380.25 acres are IDA, 7,992.56 acres are LDA, and 33,621.19 acres are RCA. The County has awarded 143.05 acres of growth allocation (35.69 were used by the Town of Leonardtown), and there are 1,546.7 acres remaining. An updated resource inventory has not been provided at this time.

PROGRAM:

The County does not have a separate Critical Area Program document. The Critical Area Criteria are incorporated into the County's Zoning Ordinance.

ZONING ORDINANCE:

The County's Critical Area regulations are fully incorporated into the recently approved St.

Mary's County Comprehensive Zoning Ordinance. The recently approved ordinance replaces the existing St. Mary's County Zoning Ordinance, which was adopted in August 1990. The new ordinance includes substantial revisions to the chapters pertaining to the Critical Area in order to clarify some vague language, provide a list of uses permitted in the Resource Conservation (RCA), change the County's process for the award of growth allocation, incorporate provisions for Buffer Management Overlay areas, and outline some specific regulations for certain water-dependent facilities. The County has reorganized various provisions of the ordinance in order to facilitate more effective implementation, but the format of the document remains relatively unchanged.

MAP CHANGES:

The County has completed a comprehensive rezoning of the entire County. No Critical Area overlay designations were changed; however, many of the underlying zoning districts were renamed although there were no changes in district boundaries. The Critical Area boundary was extended on Tax Map 52 to include the entire parcel where the Shannon Farms PUD is proposed. This extension is the result of an effort to provide additional protection to Forest Interior Dwelling Species (FIDS) habitat that was located outside the Critical Area on this site. The maps were updated to include previously awarded growth allocation. As part of the renaming of the zoning districts, the County's land use table was clarified and revised to include new uses and eliminate others. The County is establishing Buffer Management Overlay (BMO) areas and has provided maps, photographs, and justifications of areas proposed as BMOs. There are a total of 21 areas, and Commission staff has visited the areas. The maps and photographs will be available for review at the Commission meeting.

HISTORY:

The County's original Critical Area Ordinance was adopted on March 27, 1990. No Buffer Management Overlay areas were established at that time. Although the County voluntarily made several text changes to their Critical Area Ordinance in 1992, this is the first comprehensive review of the St. Mary's County Critical Area Program that has been approved locally. The Critical Area Commission has been working with the County on this review since 1995. The St. Mary's County Planning Commission held a hearing on the proposed changes in December 2001 and recommended approval to the County Commissioners. The Board of County Commissioners held hearings on February 26 and 27, 2002 and submitted the final ordinance to the Commission on April 18, 2002. Chairman North appointed a panel and they held a public hearing on May 23, 2002. Several citizens testified at the public hearing, and relevant issues raised at the hearing and identified in written comments were reviewed by staff. Following the hearing, Commission staff met with County staff and a second panel meeting was held on June 21, 2002. Issues raised at the public hearing and with County staff were discussed and most of the issues have been resolved. Based on the panel's discussion, necessary changes are included below as conditions of approval.

Conditions #1, #16, and #17 have not been accepted by County staff and warrant additional

discussion. Condition #1 pertains to the transfer of development rights from grandfathered parcels less than 20 acres in the RCA to other properties both inside and outside the RCA. Condition #16 pertains to burial grounds as a permitted use in the RCA. Condition #17 pertains to charter fishing facilities with three or more boats and 12 or more customers as a permitted use in the RCA. The panel will be meeting in the morning to finalize their recommendation to the full Commission.

Staff recommends approval of the St. Mary's County Comprehensive Zoning Ordinance with the following conditions:

CONDITIONS OF APPROVAL:

1. Section 26.2.2 (d) - Add the following language after the last sentence. **“Property within the Resource Conservation Area of the Critical Area may not transfer development rights from a lot of record that does not meet the density provisions of one unit per 20 acres.”**
2. Section 40.1.1 - In the last sentence, strike out all wording starting with “yet regulate activities...” and add **“and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.”**
3. Section 41.1.1 – Delete and replace with, **“This chapter applies to the St. Mary’s County Chesapeake Bay Critical Area, the same being all water of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article; and all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tide designated under Title 9 of the Environment Article.”**
4. Section 41.2.3.a - Revise the last sentence to read, **“Consolidation of lots in common ownership shall not be required when impacts to steep slopes or Habitat Protection Areas would result or would increase as a result of the consolidation proposal.”**
5. Section 41.3.d (4) - Delete “as program refinements.”
6. Section 41.4.3 – Add the language in Section 41.5.3(i)(3) (as amended below) in order to allow the replacement of impervious surfaces within the Buffer without a variance in Intensely Developed Areas.
7. Section 41.5.3.i (3) – Add to paragraph (a) and (b) in the first line **“grandfathered”**

- before "parcel" and add, **"The applicant shall provide evidence in the form of a sealed survey or photograph that the impervious surfaces to be replaced existed as of March 27, 1990."**
8. Section 41.6.4 – Revise the third sentence to read, **"Private tidal wetlands and nontidal wetlands may be used for density calculations to the extent that the density of development on the upland portion of the parcel may not exceed 1 dwelling unit per 8 acres, and the area of private tidal wetlands shall be estimated on the basis of vegetative information as designated on the official State tidal wetland maps."**
 9. Section 41.6.4.a (2)(c) - In the first sentence, insert **"intra-family transfer"** after "lot is created subject to the" and before "provisions of the Critical Area program."
 10. Section 41.7.2.b – Add after "... in depth that are" **"within subdivisions of at least nine lots, at least half of which are developed, and contain Buffer intrusion caused by the existing principal structure; or"**. Delete paragraph (1). Re-codify paragraph (2) as (c), and change "at least" to **"less than."**
 11. Section 41.7.5.b (1) - Add the statement, **"A Planting Plan must be submitted to the Critical Area Commission for review with the site plan in accordance with the provisions of COMAR 27.03.01.03."**
 12. Section 41.8.3 – Add the following language to this section, **"A five to ten year site plan indicates a five to ten year future for a given site. The plan is submitted for review by the Department of Planning and Zoning as a Concept Plan in accordance with Article 6 of this ordinance."**
 13. Section 41.8.4.c(1) – Change "Critical Area" to **"Resource Conservation Area."**
 14. Section 41.9.6.b (3) – Insert after "... an RCA designation", **"and the land is permanently protected (i.e. by easement)."**
 15. Section 51.3.2 – Under general standards, delete reserved and add, **"In the RCA, the uses must be associated with an agricultural use on the same property."**
 16. Section 51.3.19.a – Add, **"(4) In the RCA, this use shall be limited to 20,000 square feet of impervious surface area (roads and parking) or 15% of the site whichever is less."**
 17. Schedule 50.4 (#97) – Change "18 customers" to **"12 customers."** Delete "RCA" from Schedule 50.4.

18. Schedule 50.4 (#98) – Delete “except on-site restaurants” from the “Description.”
19. Sections 51.3.100 and 51.3.109 – Add the following provisions:
- “d. **New or expanded community marinas and other noncommercial boat-docking and storage may be permitted in the Buffer provided that:**
- (1) These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;**
 - (2) The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;**
 - (3) The facilities are associated with a residential development approved by the County for the Critical Area and consistent with all the Critical Area provisions of this ordinance; and**
 - (4) Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities.**
20. Section 51.3.103.a - Add the following to “General standards”, **“The industrial activities shall be incidental to a primary water-dependent fishery activity.”**
21. Section 51.3.113 - Add the following “General standard”, **“In the RCA, this use must be associated with a use permitted in the RCA and shall not be occupied on a permanent, year-round basis.”**
22. Section 52.2.1 – Insert after “... or of amendments thereto”, **“or in the Critical Area as of December 1, 1985,”.**
23. Section 71.2.3.b – Add the following new paragraph, **“The County shall send copies of applications for all developments, subdivisions, and site plans wholly or partially within the Critical Area to the Critical Area Commission in accordance with the provisions of COMAR 27.01.01.03.”**
24. Section 71.2.4.a (2) - Delete “if present, from adjacent slopes greater than 15 percent or from wetlands or hydric soils.” Add in its place **“expanded, if necessary, in accordance with the Buffer expansion provisions of 71.8.2(a)(1).”**
25. Section 71.2.4.f (1) - Restate as, **“The 100-foot Critical Area Buffer expanded, if**

- necessary, for contiguous steep slopes, hydric and highly erodible soils, and nontidal wetlands in accordance with the provisions of 71.8.2 (a)(1).”
26. Section 71.4.2.a (2) - Delete all wording after “from each bank, and” and insert, **“expanded, if necessary, in accordance with the provisions of 71.8.2(a)(1).”**
 27. Section 71.4.2.b - Delete all wording after “does not exist,” and insert, **“the Buffer shall be established in native, forest vegetation.”**
 28. Section 71.4.2.c – Insert after, “All development activities in the LDA”, **“and RCA”**.
 29. Section 71.5.2.a - Restate as, **“A 100-foot buffer shall be preserved from the landward edge of tidal wetlands and shall be expanded, if necessary, in accordance with the provisions of 71.8.2(a)(1).”**
 30. Section 71.5.2.d - **“For projects in the Critical Area, new development activities may not be permitted in the 100-Buffer and expanded Buffer unless the project is a water-dependent facility or a variance is granted in accordance with the provisions of Chapter 24 and the mitigation requirements below.”**
 31. Section 71.7.2.b – Insert before “Installation of best management practices ...”, **“Development on slopes greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope.”**
 32. Section 71.7.3.b - Delete “or to prevent erosion of highly erodible soils” and delete “in addition to meeting the following standards.” Re-codify paragraphs “(1)” and “(2)” as “c” and “d”
 33. Section 71.8.2 - Change “is hereby established” to **“shall be established.”** Add, **“The Buffer shall be established or managed to perform the functions set forth in COMAR 27.01.09.01.B.”**
 34. Section 71.8.2.a (1) - The expansion criteria given for steep slopes is incorrect. Delete “above 15 percent” from the second sentence.
 35. Section 71.8.2.c(5) – Add after “... or other buffer functions”, **“as set forth in COMAR 27.01.09.01.B ...”**
 36. Section 71.8 – Insert the following provisions as Section 2 and renumber Sections 2 through 7.

- “2. Forest Interior Dwelling Species (FIDS) habitat, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests, important habitats designated by State or federal agencies, and plant and wildlife habitats of local significance shall be conserved and protected in accordance with the provisions of COMAR 27.01.09.04.**
37. Section 71.8.2.c – Insert the following language after paragraph (5), and renumber paragraphs (5) through (8) as (1) through (4):
- “d. Buffer Management Plans. A Buffer Management Plan shall be required to establish the procedures and proposed planting for all alterations and cutting in the Buffer, development activities in the Buffer, and establishment of a vegetated Buffer in areas of new development that are presently without a Buffer. A Buffer Management Plan shall be approved by the Department of Planning and Zoning and may include, but is not limited to, Planting Agreements, landscape plans, bonding instruments, and or fees-in-lieu agreements.**
38. Section 71.8.3.a(1) - Delete and restate as, **“Forests at least 50 acres in size with 10 or more acres of forest interior habitat (i.e., forest width greater than 300 feet from the nearest forest edge), where the majority of the forest tract should be dominated by pole-sized or larger trees (5 inches or more in diameter at breast height), or have a closed canopy; and ...”**
39. Section 71.8.3.a (2) - Delete the last sentence (“The stream within...”)
40. Section 71.8.3.d (2) - Change “May” to “April.” Add **“This time restriction may be expanded from February to August if certain early-nesting FIDS are present.”**
41. Section 71.8.7.a – Insert the following language after, “...shall be protected ...” and before, ... as follows:” **“in accordance with COMAR 27.01.09.05.B”.**
42. Section 72.3.1.a (3) – Delete (a).
43. Section 72.3.3 (a)(2)(b) lines 17 and 19 - Delete the words “basis per square foot”.
44. Section 72.3.4 (b) - Delete the first sentence and replace with, **“Removal of invasive and noxious species by hand may be permitted without mitigation if the understory is allowed to naturally regenerate. Within the Buffer, the removal of invasive and noxious species requires approval of a Buffer Management Plan in accordance with**

the provisions of Section 71.8.2.c.9”

45. Section 72.3.5.c, line 19 - Change “Schedule 72.3.4” to “Schedule 72.3.5.”
46. Section 72.3.5, Schedule 72.3.5 - Delete “seedlings or”.
47. Section 73.2.2 - Add item (d): **“Clearing of existing natural vegetation in the Buffer.”**
48. Section 73.2.4 - In the first sentence, delete “allowed to naturally regenerate... landowner.” Replace with, **“established. In establishing the Buffer, management measures, including but not limited to, natural regeneration, shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in COMAR 27.01.09.”**
49. Section 74.1.1 - The correct COMAR citation needs to be provided: COMAR 27.01.07.
50. Chapter 90 - Add the following language to the definitions for perennial and intermittent streams, after “ ... quadrangle map published by the United States Geologic Survey”, **“or more detailed maps or studies at the discretion of the local jurisdiction.”**
51. Chapter 90 – Add the following definition, **“Sensitive Areas. Tributary streams and their buffers, nontidal wetlands, Wetlands of Special State Concern and their buffers, floodplains, floodways, coastal high hazard areas, hydric soils, soils with hydric inclusions, highly erodible soils, the Chesapeake Bay Critical Area, Habitat Protection Areas, Natural Heritage Areas, and forest and woodland cover.”**

Staff Correspondence Vol. II: Esslinger

2002

SI832-153-2

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

April 14, 2003

Mr. Richard Chen
Chief, Bridge Engineering
City of Baltimore
Office of Transportation
417 E. Fayette Street
Baltimore, MD 21202

RE: S. Clinton Street

Dear Mr. Chen:

I met with Mr. Azzam Ahmad on April 11, 2003 to discuss the S. Clinton Street bulkhead and street reconstruction. It is my understanding that one lane of S. Clinton Street has been closed because the road and bulkhead are failing and the City is proposing to rebuild approximately 800 feet of this section. This office has determined that the 10% Rule calculations are not necessary for this type of repair project.

Please call me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Azzam Ahmad, Office of Transportation
Mr. Duncan Stuart, Dept. of Planning
Ms. Dawnn McCleary
BA270-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

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April 9, 2003

Mr. Gene Piotrowski
Director, Resource Planning
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Mr. Piotrowski:

At the April 2, 2003 meeting, the Critical Area Commission concurred with the concept plans for North Bay Environmental Education Camp. The Commission's concurrence with the concept plans acknowledges that an environmental camp is an acceptable use for the Bowers area of Elk Neck State Park. A concurrence confers the Commission's general acceptance of the proposed concept plans, but is not specific in regard to the placement of individual buildings, stormwater management features, walkways, or other facilities and uses. Any development in certain areas such as Buffers and steep slopes will require a conditional approval as specified in COMAR 27.02.06.

We look forward to continuing to work with you, your staff and the Erickson team. If you have any questions, please call me at (410) 260-3479.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

cc: Mr. Ken Usab, Morris and Ritchie Associates
Marianne Mason, OAG
Mr. Ren Serey
26-03 DNR

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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MEMORANDUM

TO: Greg Golden
FROM: Regina Esslinger *RE*
DATE: October 29, 2002
RE: MAGLEV Draft EIS Addendum

I have reviewed the additional documents you sent over on the proposed MAGLEV project regarding Wetlands of Special State Concern, threatened and endangered species, and forest interior dwelling bird habitat. All three are Habitat Protection Areas under the Critical Area regulations. We are concerned about the various proposed impacts and will need to know how much impact there is within the Critical Area. We follow any recommendations from Heritage to reduce or eliminate impacts to threatened or endangered species. The elimination of forests under 100 acres from possible forest interior dwelling bird habitat is not accurate. As stated on page 7 of the Commission's June 2000 A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, smaller forested areas may support FIDS based on the forest characteristics. MTA should revisit their analysis of potential forest tracts to include any appropriate smaller tracts.

I hope this memo provides further clarification of potential Critical Area issues. Please give me a call if you have any questions. Thanks!

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Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

MEMORANDUM

TO: Greg Golden
FROM: Regina Esslinger *RE*
DATE: October 25, 2002
RE: MAGLEV Draft EIS

I have reviewed the documents you sent over on the proposed MAGLEV project. Much of the alignment runs along existing train tracks or highways, but there are places where the alignment is separate. From the information provided, there appear to be impacts to various Habitat Protection Areas, including the 100-foot Buffer and waterfowl staging and concentration areas. More specific information on the extent of the impacts and proposed mitigation will be necessary for our review. Any impacts to rare, threatened, or endangered species habitat must be reviewed by Heritage. Any forest clearing should be quantified and addressed and impacts to Forest Interior Dwelling Bird Habitat must meet the provisions of the Commission's June 2000 A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area. The 10% pollutant reduction requirement must be provided for Intensely Developed Areas. This project will need formal approval by the Critical Area Commission.

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STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 17, 2002

Ms. Pat Pudelkewicz
Department of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

Re: Gabler's Shore Proposal

Dear Ms. Pudelkewicz:

I have reviewed the site plan for Gabler's Shore. The applicant is proposing that a mapping mistake occurred on the RCA portion of the site and that it should have been designated LDA. The applicant is also proposing a growth allocation for 15.4 acres of LDA, including that currently mapped RCA, to IDA. Finally, the applicant is proposing to redevelop the existing marina by removing the mobile homes, replacing the marina store with a new building and adding a restaurant on the second floor, building a pavilion, creating designated parking areas, and adding a Buffer along the water's edge. I have the following comments:

1. The County should ensure that all Critical Area land use designation changes, whether through mistake or growth allocation, occur before the final site plan is approved. If the applicant is unable to obtain IDA designation, the applicant will need to address the appropriate designation requirements as part of the site plan.
2. We have received the enclosed letter from the Department of Natural Resources, Wildlife and Heritage Service, dated August 30, 2002, which indicates there could be three endangered or watchlist species in the intertidal zone as well as forest interior dwelling birds on site. The applicant must address this letter.
3. Part of the proposed marina parking is within the Sensitive Species Project Review Area. This Review Area is also labeled "Future Development." The applicant must address impacts to sensitive species in this area.

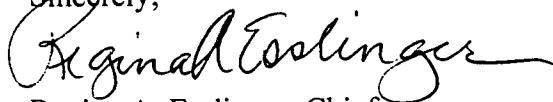
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Ms. Pudelkewicz
September 17, 2002
Page Two

4. A grass swale is the best management practice proposed to meet the 10% pollutant reduction requirement. The applicant must use the phosphorus removal efficiencies from the Maryland Department of the Environment 2000 Maryland Stormwater Design Manual in Appendix D-4 and specify if the swale will be a dry swale or a wet swale. The swale must be shown on the site plan.

We will provide additional comments once we receive this information. Thank you for the opportunity to comment. As always, please call me if you have any questions.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

RAE/jjd

Enclosure

cc: Ms. Nancy Lipski, Planning and Zoning
Mr. Ren Serey
HC559-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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September 16, 2002

Ms. Theresa Dent
Department of Planning and Zoning
22740 Washington Street, P O Box 653
Leonardtown, Maryland 20650

RE: Hanover at Breton Bay
Community Open Space
MNSP #02-131-012

Dear Ms. ~~Dent~~ *Theresa*:

I would like to comment on the proposed site plan for Hanover at Breton Bay. The site is 39.56 acres with 20.8 acres in the RCA. The applicant is proposing a 600 square foot pavilion, a 600 square foot tot lot, and 10-car parking lot in the RCA for community use in a cleared area. A 16-foot wide access road is proposed over the existing 10-foot wide path leading to the community pier. The applicant has provided a soil analysis from Bob Taylor Engineering, which states that the soil type in the vicinity of the proposed amenities is Evesboro Loamy Sand, not Mattapex silt loam as indicated in the Soil Survey. Therefore, the 100-foot Buffer is not expanded for highly erodible soils in the area analyzed.

Under the Criteria, uses in the RCA are restricted to dwellings at a density of 1 per twenty acres, agriculture, forestry, fisheries activities, and aquaculture. The County does not have anything in the current ordinance that would allow community facilities in the RCA for a development that is mostly outside the Critical Area. The pending ordinance has a list of uses permitted in the RCA, but the proposed use is not included. Therefore, growth allocation will be necessary for this proposal.

Thank you for the opportunity to review this proposal. Please forward any revisions as we may have additional comments. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

cc: Wanda Cole
SM518-02

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Ren Serey
Executive Director

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September 16, 2002

Ms. Theresa Dent
Department of Planning and Zoning
22740 Washington Street, P O Box 653
Leonardtown, Maryland 20650

RE: Broadneck Farm, Lot 1
MSUB #02-110-022


Dear Ms. ^{Theresa:} Dent:

I would like to comment on the proposed subdivision for Broadneck Farm. The site is 95 acres with 59.12 acres in the RCA. Proposed Lot 1 is a 1.29 acre lot with an existing trailer, shed, pump house, and driveway within the 100-foot Buffer. I have the following comments:

1. The site plan states there are two existing dwellings on the site. The plan should indicate where this second dwelling is. No more dwellings are permitted in the RCA portion of the overall property.
2. The site plan shows a gully running along the northern property boundary. If this is a perennial or intermittent stream, a 100-foot Buffer must be provided.
3. The vicinity map shows an 18.7069 acre Density Reservation Parcel A outside the Critical Area. It appears this parcel is the remainder RCA density reservation for Lot 1. This density reservation must be located within the Critical Area if that is the purpose.
4. No information was provided as to whether there are any threatened or endangered species on site; the applicant must provide a letter from the Department of Natural Resources that there are no impacts to any sensitive species before this subdivision is approved.

Thank you for the opportunity to review this subdivision. Please call me if you have any questions.

Sincerely,


Regina A. Esslinger, Chief
Project Evaluation Division

cc: Wanda Cole
SM519-02

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September 16, 2002

Ms. Theresa Dent
Department of Planning and Zoning
22740 Washington Street, P O Box 653
Leonardtown, Maryland 20650

RE: Ginger's Farm, Lot 1
MSUB #02-100-029

Theresa :
Dear Ms. Dent:

I would like to comment on the proposed subdivision for Ginger's Farm. The site is 24.075 acres and is in the RCA. Proposed Lot 1 is a 5.79 acre lot with an existing dwelling and two outbuildings; Outparcel A is 18.284 acres and has an existing barn. No information was provided as to the existing forest cover. If the site does not contain 15% forest, the applicant must afforest the site to reach the 15% threshold. No information was provided as to whether there are any threatened or endangered species on site; the applicant must provide a letter from the Department of Natural Resources that there are no impacts to any sensitive species before this subdivision is approved. Lastly, with the creation of Lot 1 there is no further density available for development within the RCA. Therefore, Outparcel A cannot be developed without the use of growth allocation. The final plat should indicate that Outparcel A has no development rights.

Thank you for the opportunity to review this subdivision. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Regina A. Esslinger".

Regina A. Esslinger, Chief
Project Evaluation Division

cc: Wanda Cole
SM517-02

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September 9, 2002

Mr. Ron Young
Town Administrator
4195 Indian Head Highway
Indian Head, Maryland 20640

Dear Ron:

I wanted to follow up with you on several of the items we discussed when Ren and I met with you a few weeks ago. I've gone through our files and found some information that may be helpful.

Our files on the Ammar property indicate that the area cleared for the proposed house is entirely within the 100-foot Buffer to the Potomac River and also the 100-foot Buffer to a stream. The topography provided for the violation was not complete and had areas that needed reevaluation. Our staff had recommended the topo be field run. We were unable to determine the extent of the Buffer expansion without accurate topography. Our previous correspondence noted the presence of potential forest interior dwelling bird habitat and lack of information on threatened and endangered species. This office recommends that a complete environmental analysis of the site be done to determine exactly what the development constraints are before the applicant spends a lot of time and money creating a plan.

I found a file on Mr. Helal's shore erosion proposal. I also found a file for the adjacent lot containing the ravine (sent to us under the name Hashim Hassan). I had understood from our site visit that the ravine was part of Mr. Helal's site, but that does not appear to be the case from the information in our files. This is of interest only because of Mr. Helal's proposal to rebuild on his lot. The site plan for the adjacent lot shows the 100-foot Buffer extending over the lot lines onto Mr. Helal's property. I've attached a copy of the relevant portion of this site plan. So long as Mr. Helal keeps his proposed house out of the Buffer there should be no need for a variance.

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Mr. Young
September 9, 2002
Page 2

I hope this information is helpful. We are available to assist you on Critical Area issues at any time. Thanks for bringing us into the process early!

Sincerely,

A handwritten signature in cursive script, reading "Regina A. Esslinger". The signature is written in black ink and includes a long horizontal flourish at the end.

Regina A. Esslinger, Chief
Project Evaluation Division

cc: Ren Serey
Larry Duket, MDP

Attachment

Staff Correspondence Vol. II: Jones

2002

S1832-153-3

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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April 17, 2003

Mr. Mark Heckroth
Airports Environmental Planning
URS Corporation
4 North Park Drive
Hunt Valley, MD 21030

Re: Crisfield Airport

Dear Mr. Heckroth:

This letter is a follow-up to our site visit of March 17, 2003 to the Crisfield Airport site in Somerset County, as well as to clarify questions regarding forest interior dwelling bird (FIDS) habitat and the Critical Area process for this type of project.

Critical Area Buffer

As we discussed in the field, the Critical Area Buffer needs to be shown on the site plan. This Buffer is measured landward of any tidal wetlands, tidal waters, and tributary streams and is a minimum of 100-feet. This minimum Buffer may be expanded for hydric soils. The Buffer should be expanded to encompass all the jurisdictional wetlands. Since there are extensive wetlands on the airport site that are contiguous to the Buffer, the Buffer will encompass a large proportion of the airport site.

Forest Interior Dwelling Bird (FIDS) Habitat

The Maryland Dept of Natural Resources, Wildlife and Heritage Division has determined that this site contains FIDS habitat. The applicant can either proceed with the project, assuming that FIDS habitat is present and mitigating for impacts accordingly or having a qualified observer confirm this determination is correct. If a survey determines that FIDS habitat is present, or the applicant assumes that it is FIDS habitat and proceeds with the project accordingly the mitigation required could be considerably greater than that for forest that is not FIDS habitat. I have attached a list of qualified observers in case the applicant chooses to do a survey. Surveys need to be done during times of the year when these birds are breeding, generally May, June, and early-mid July.

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Mr. Mark Heckroth
April 17, 2003
Page Two

Critical Area Process

It is my understanding that this airport is on County land and is operated by Somerset County. This puts the project in the category of a local project for Critical Area purposes. Normally, this type of project would be handled by a *Letter of Consistency* from the County to the Critical Area Commission, detailing the project and confirming that it is consistent with the local Critical Area Program. In this case, however, because of the Buffer impacts, the project will need to come before the Critical Area Commission for a conditional approval. I have attached the part of the Critical Area Criteria on conditional approvals.

As always, if you have any questions please call me at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Tom Lawton, Somerset County

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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April 10, 2003

Ms. Angie Evans
Assistant to the City Manager
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Carmine Pennesi, VAR CF 243-03

Dear Ms. Evans:

Thank you for providing information on the above-referenced variance application. This office has no objection to approval of the variance request provided that the impacts to the 100-foot Buffer are minimized to the extent possible. Since the lot is in a limited developed area (LDA), the requirement for 15% afforestation of the site applies. To meet this requirement as well as mitigation for Buffer impacts, this office recommends that the applicant be required to plant the equivalent of 1 tree or 3 shrubs for every 100 sq. ft. of new impervious surface. The mitigation plantings should be native tree and shrub species. The total lot size is listed as 15,947 square feet. This means that the forest coverage on the site needs to be the equivalent of 2,392 square feet. This can include existing vegetation.

Please do not hesitate to call if you have any questions regarding these comments. I can be reached directly at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

cc: Ms. Tracey Greene Gordy

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April 7, 2003

Mr. Matt Hedger
Wicomico County Planning and Zoning
P.O. Box 870
Salisbury, Maryland 21802

Re: Kevin and Jodi Green – Tidal Buffer Variance Mitigation

Dear Mr. Hedger:

Thank you for providing a copy of the mitigation plan for the Kevin and Jodi Green variance for our review. I have the following comments/recommendations.

- The ratio of woody vegetation to herbaceous vegetation is acceptable.
- The width of the Buffer on the planting plan should be greater. Generally, when the "Bufferyard" method of plant spacing is used, a minimum of 25 feet of Buffer is planted. It appears from the site plan that the Buffer is less than 10 feet in some places. The width of the planted area adjacent to the water should be a minimum of 25 feet. The purpose of the riparian buffer is to provide water quality benefits as well as to provide a screen between human activity and the aquatic environment.
- The opening for riparian access should be reduced. In other words, more of this should be planted. Generally, the Commission recommends no more than six feet of cleared area is necessary for riparian access.
- The planting plan contains some plants that are not native:
 - Crape myrtle
 - Rug juniper
 - Common nandina
 - Nandina atropurpurea
 - Common daylily
 - Lily turf

While I am not aware that any of these are invasive, with the possible exception of daylily, and it is certainly OK to plant these plants if desired, nonnative plants should

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Mr. Matt Hedger

April 7, 2003

Page Two

not be used to meet mitigation requirements. Other suggestions of woody plants that should thrive on the site include:

- Willow oak *Quercus phellos*
- Paw paw *Asimina triloba*
- Sweetbay magnolia *Magnolia virginiana*
- Virginia sweetspire *Itea virginica*
- Winterberry *Ilex verticillata*
- Spicebush *Lindera benzoin*

Please do not hesitate to call me if you have any questions regarding these comments. I may be reached directly at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Kevin and Jodi Green
Ronald Metzger
Regina Esslinger

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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April 3, 2003

Mr. Jack Perdue
Supervisor, Forest Stewardship
Forestry, Wildlife and Heritage
Maryland Dept of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Timber Harvest, Pocomoke River State Forest, Worchester County

Dear Mr. Perdue:

This letter is to inform you that the Critical Area Commission approved the proposed timber harvest in Pocomoke River State Forest at its monthly meeting on March 5, 2003. There is no further action required from the Commission on this proposal. Thank you for working with us on following the Critical Area requirements on State land.

As we have discussed, we need to change the Memorandum of Understanding (MOU) between the Maryland Forest Service and the Critical Area Commission so that projects such as this one will be covered under the MOU and will not require a separate Commission approval. I will be contacting you shortly about some ways to change the MOU to address this.

Sincerely,

M. Claudia Jones

Claudia Jones
Science Advisor

cc: Sam Bennett

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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April 3, 2003

Mr. Frank L. Hamons
Deputy Director
Harbor Development Office
Maryland Port Administration
Maritime Center II
Baltimore, Maryland 21224-6621

Re: Cox Creek DMCF Wetland Mitigation Project

Dear Mr. Hamons:

This letter is to inform you that the Critical Area Commission (Commission) approved the above-referenced project at its monthly meeting on April 2, 2003. The Commission conditioned the approval on completion of the Critical Area Buffer mitigation component of the project. The wetland creation will impact approximately 0.9 acres of the 100-foot Critical Area Buffer that is currently in young forest vegetation. Generally, the Commission requires 3:1 mitigation for Buffer impacts, however, since the Buffer impacts will result in enhancement of the area with the wetland creation, the Commission believed that only 1:1 mitigation to replace the woody forest component was necessary.

The site plan that the Commission reviewed shows an area of approximately 0.8 acres that is proposed for reforestation for Buffer impacts. It is our understanding that there is an area South of the wetland site where the additional 0.1 acres of forest mitigation can occur. The Commission conditioned this approval on the Maryland Port Administration finalizing the mitigation plans with Commission staff. To finalize these plans, we need a site plan showing the additional area, a planting plan indicating species and densities of trees to be planted and a copy of the Commission's Planting Agreement for State Projects (attached). Please do not hesitate to call if you have any questions. You can reach me directly at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Mr. Bill Lear
Mr. Nathaniel K. Brown

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Ren Serey
Executive Director

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March 13, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Willie Jackson, VAR 03-721, SO 160-03

Dear Mr. Lawton:

Thank you for providing information on the above-referenced variance request for our review and comment. It is our understanding that this variance request is for a 2.3 acre parcel to be able to place the house at one point 45 feet (a 55 feet intrusion into the 100-foot Buffer) from the tidal wetland. No information was provided that indicates a reason why the house cannot be located outside of the Buffer. It appears that it is possible to locate all of the proposed structures as well as the driveway access outside of the Buffer. This office recommends that the current application be denied due to the impacts to the Buffer and that the development be reconfigured. Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

MCJ/jjd

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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March 13, 2003

Mr. Tom Lawton
Dept of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Clay Henry 03-720, SO 159-03

Dear Mr. Lawton:

Thank you for providing information on the above-referenced subdivision for our review and comment. It is our understanding that this variance application is for a 2.4-acre parcel in an LDA. Based on the site plan and conversations with you, it appears that there are not many alternatives for the location of a house due to the existence of extensive wetlands on the site. Based on this information this office does not oppose the variance. We do recommend that 3:1 mitigation for impacts to the Buffer be provided in the form of native woody vegetation plantings. The plantings should be based on disturbance to the Buffer and should be located on site within and within the Buffer if possible. Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

MCJ/jjd

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February 20, 2003

Mr. Jordan R. Loran
Eastern Region Chief
Engineering & Construction
Maryland Dept of Natural Resources
Taws State Office Building
Annapolis, Maryland 21401

Re: Forestry Office Replacement, Princess Anne

Dear Mr. Loran:

The Critical Area Commission approved the above-referenced project at their monthly meeting on February 5, 2003. There is no further action needed on this project from the standpoint of the Commission unless the project should substantially change. Thank you for working with me to get the project through the process.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

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February 12, 2003

Ms. Angie Evans
Assistant to the City Manager
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Robin Orlando Ames

Dear Ms. Evans:

Thank you for providing information on the above-referenced variance application. This office has no objection to approval of the variance request provided that the impacts to the 100-foot Buffer are minimized to the extent possible. Since the lot is in an intensely developed area, the 10% rule applies. To meet this requirement as well as mitigation for Buffer impacts, this office recommends that the applicant be required to plant the equivalent of 1 tree or 3 shrubs for every 100 sq. ft. of new impervious surface. The mitigation plantings should be native tree and shrub species.

Please do not hesitate to call if you have any questions regarding these comments. I can be reached directly at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

cc: Ms. Tracey Greene Gordy

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January 21, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Brian Laird Subdivision, 02-253, SO 736-02

Dear Mr. Lawton:

Thank you for providing information on the above-referenced subdivision for our review and comment. From the information that you have provided it appears that this subdivision is consistent with the Somerset County Critical Area Program. It is our understanding that the applicant is proposing to create a 3.3 acre lot around an existing dwelling through the intra-family provisions in the County's Critical Area Program and no other development activities are proposed at this time.

If you have any questions regarding this letter please feel free to contact me at (410) 260-3476.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

cc: Ms. Regina Esslinger

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Executive Director

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(410) 260-3460 Fax: (410) 974-5338

January 21, 2003

Ms. Tracey Green Gordy
Regional Planner/Circuit Rider
Maryland Department of Planning
Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

RE: Beckford Subdivision, Princess Anne/Somerset County, SO 478-02

Dear Ms. Gordy:

The Beckford Subdivision located in Princess Anne/Somerset County was reviewed by this office when it was originally submitted by Somerset County Department of Technical and Community Services in August of 2002. The review for the County and Town portions of the project was consolidated since the project lies within both jurisdictions. As you know the Critical Area Criteria mandate that certain requirements are met for development activities, including limits on impervious surfaces, protection of any Buffers, forest protection and/or mitigation, and protection of any rare, threatened or endangered species. The project is consistent with both the Somerset County and the Town of Princess Anne Critical Area Programs. If you have any questions regarding this review you may reach me at 410-260-3476.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

cc: Ms. Regina Esslinger

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January 16, 2003

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: William C. Budd, Jr., VAR 41-03, 02-712

Dear Mr. Lawton:

Thank you for providing information on the above-referenced variance request for our review and comment. The applicant has requested a building permit to place a garage 50' from the water. The lot is located within a designated Buffer Exemption Area (BEA); however, the applicant's proposal for the construction of the garage does not meet the requirements of the Somerset County Zoning Ordinance for development within a BEA. The Ordinance states in Section 6.13.j.3(c)(1) and (2) that "... development ... activities, including structures, ... will not be permitted in the Buffer Exemption Area unless the applicant can demonstrate to the Director of Technical and Community Services and the Zoning Inspector, that there is no feasible alternative." The Zoning Ordinance also states that "... development ... shall minimize the shoreward extent of intrusion into the Buffer Exemption Area and shall not exceed the shoreward extent of adjacent structures located on the property, whichever is more restrictive." It appears that there is room to locate the proposed structure outside of the 100' Buffer Area. For this reason, this office recommends denial of the variance application as proposed.

If you have any questions regarding this letter please feel free to contact me at (410) 260-3476.

Sincerely,

A handwritten signature in cursive script that reads "M. Claudia Jones".

M. Claudia Jones
Science Advisor

cc: Regina Esslinger, CAC

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January 13, 2003

Ms. Megan Owen
Office of Planning and Zoning
160 Duke of Gloucester
Annapolis, Maryland 21401

Re: Shearwater Condominiums-Tree Removal

Dear Ms. Owen:

This letter is in response to a Buffer Management Plan application to remove six sycamore trees from their present location within the Critical Area Buffer. The proposal is to replace the trees with lower growing shrubs. In general, there are no provisions for the removal of trees to ensure an unobstructed view of the water. In this case, the property owners are also indicating that the pollen from the sycamores is responsible for extreme allergic reaction in some of the residents. It is true that the sycamore is considered to be a major contributor to pollen allergies for many people.

It is the recommendation of this office that the Buffer Management Plan proposal to remove the trees be approved with some changes as explained below to increase the value of the Buffer for wildlife and water quality. The applicant has proposed to mitigate for the removal of these trees by replacing at a 3:1 ratio the number of trees that are to be removed. This would equal 18 trees. Since it is not canopy trees that are being proposed for replacement but a combination of small trees and shrubs (based on species listed) the number of woody plants to be replaced should range from 36 to 54. These numbers are based on the Commission's Buffer Management guidance, which equates one large tree to two small trees or three shrubs for purposes of determining planting credits. The vegetation to be planted should be native and should be spaced from 3-10 feet and should be mulched and replace as much of the lawn area as possible. I do not believe that the 10-foot planting area proposed is adequate. According to the planting diagram and in looking at the pictures of the site, this does not even encompass the area where the trees are to be removed. Ideally, the entire area of lawn behind the condominiums would be converted to a planting area for small trees and shrubs. This would meet the goals of any Buffer

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Ms. Owen
January 13, 2003
Page Two

Management Plan, which is to at a minimum retain the values of a Buffer and where possible enhance the Buffer. It does not appear that this area is necessary access to the water and there is a boardwalk that exists along the water and connects to a pier.

The plantings could be arranged so that any small trees are placed so that they do not obscure anyone's total view from their deck. I have included a list of plants native to Anne Arundel County since several of the species suggested on the planting plan are not native (i.e. Penicum shenandoah, Nandina, Crape Myrtle) and marked those that should grow relatively well on the site.

Thank you for the opportunity to comment on this Buffer Management Plan. Please do not hesitate to call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

M. Claudia Jones
M. Claudia Jones
Science Advisor

M CJ/jjd

cc: Ms. Regina Esslinger
Ms. Dawnn McCleary

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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November 26, 2002

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Randy Hill Rezoning

Dear Mr. Lawton:

Thank you for providing information on the above-referenced rezoning proposal for our review and comment. The applicant proposes a rezoning of an RCA parcel (Tax map #65, Block #22, Parcel 244) from CO-Conservation to AR-Agricultural Residential. This office does not oppose this change provided that the change does not allow uses that would normally not be allowed in the RCA. If you have any questions regarding these comments please do not hesitate to call me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

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Executive Director

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November 26, 2002

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Cove Road Rezoning

Dear Mr. Lawton:

Thank you for providing information on the above-referenced rezoning proposal for our review and comment. The applicant proposes a rezoning of an 7.8 acre LDA parcel (Tax map #65, Block #22, Parcel 244) from Light Industrial to Maritime Residential Commercial. This office does not oppose this change provided that the change does not allow uses that would normally not be allowed in the LDA. If you have any questions regarding these comments please do not hesitate to call me at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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November 25, 2002

Ms. Megan Owen
160 Duke of Gloucester
Office of Planning and Zoning
Annapolis, Maryland 21401

Re: Godley - 703 Warren Drive

Dear Ms. Owen,

Thank you for the opportunity to comment on this project. I was on the site earlier in the year and control of the erosion coming from the site is certainly warranted. The erosion is occurring primarily from the top and face of the slope as compared to the toe of the slope from wave action. Retaining walls are proposed to stabilize the site and will be located as close as 20 feet to mean high water (MHW). The lot is within a designated Buffer Exemption Area (BEA), however, since the project does not qualify as "shore erosion control" per se, and the project does not meet the BEA policy of development activity and new structures being at least 25 feet landward of MHW, it is the opinion of this office that the applicant will need a variance to proceed.

This office will support a variance for this project and believe that the proposed buffer plantings will enhance the site and provide adequate mitigation for the project. Please do not hesitate to call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
Executive Director

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November 25, 2002

Ms. Megan Owen
160 Duke of Gloucester
Office of Planning and Zoning
Annapolis, Maryland 21401

Re: Wallace – 2 Little Harbor Way

Dear Ms. Owen,

Thank you for the opportunity to comment on this Buffer Management Plan. This office believes that the most recent change to the plan incorporating additional woody vegetation is adequate to meet our concerns. Once the new plantings are established it should provide a good example of how the Critical Area can be attractively landscaped to incorporate native vegetation. Please do not hesitate to call if you have any questions regarding these comments. You can reach me at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Regina Esslinger
Dawnn McCleary

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Ren Serey
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November 21, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2869, Markley

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. As proposed, it appears that disturbance within the Buffer has been minimized and the cliff-setback has been maximized to the extent possible. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation opportunities on the lot are limited therefore mitigation alternatives should be addressed. Stormwater runoff from structures should be directed to a stable, vegetated outfall, avoiding discharge near steep slopes present on the property. Stormwater best management practices should be implemented to facilitate sheetflow and infiltration of runoff and provide water quality benefits within the Critical Area.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: CA 684-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
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November 12, 2002

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Charles Holmes Variance 02-710, SO 661-02

Dear Mr. Lawton:

Thank you for providing information on the above-referenced subdivision for our review and comment. It is our understanding from the site plan and from conversations with you that this property has a tidal 100-foot Buffer occurring on two sides of the lot. There is a 100-foot Buffer from Jones Creek and from a tidal ditch on the southern side of the property. While this configuration encumbers a significant portion of the property with Buffer restrictions there still appears to be more than a third of the 2.55 acre property that is outside of the Buffer. This office recommends that the current application be denied due to the impacts to the Buffer and that the development be reconfigured. It should be possible to locate all of the proposed structures as well as the driveway access outside of the Buffer. I have attached a site plan with one alternative to consider.

Please call if you have any questions regarding these comments. You can reach me at 410-260-3476.

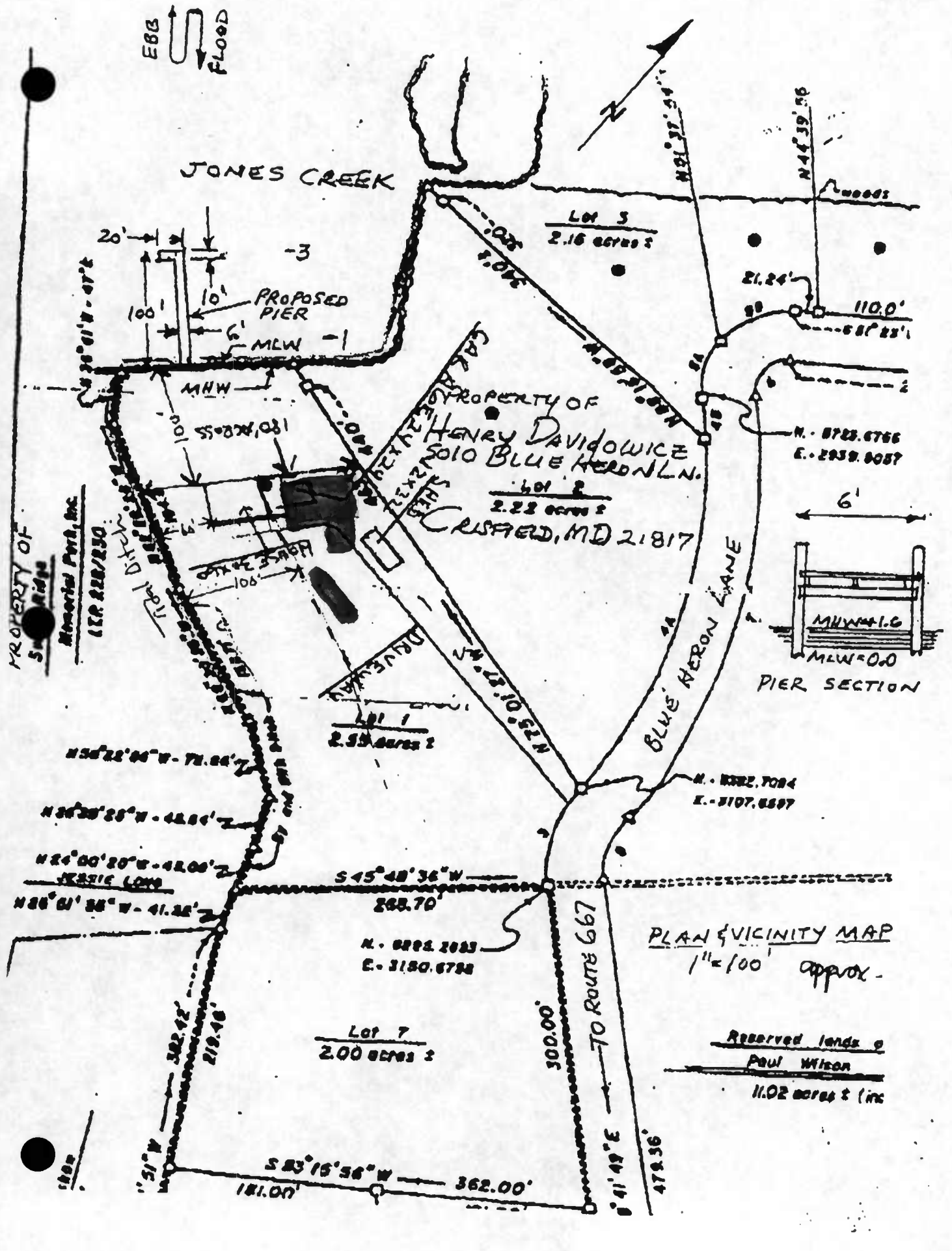
Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

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November 7, 2002

Ms. Angie Evans
Assistant to the City Manager
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Wilson's Real Estate, Wellington Road, Lots 1 & 2, CF 653-02

Dear Ms. Evans:

Thank you for providing information on the above-referenced variance application. This office has no objection to approval of the variance request provided that the house is as far back from the waterward edge of the property as possible. Mitigation for Buffer impacts should also be provided for any area of the Buffer that is disturbed at a ratio of 3:1. Buffer mitigation should consist of plantings of native tree and shrub species. There is also a requirement in the Critical Area that a lot or parcel be at least 15% forested. The Buffer mitigation can count towards the 15% afforestation requirement.

Please do not hesitate to call if you have any questions regarding these comments. I can be reached directly at 410-260-3476.

Sincerely,

Claudia Jones

Claudia Jones
Science Advisor

cc: Ms. Tracey Greene Gordy

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman



Ren Serey
Executive Director

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November 1, 2002

Ms. Joan Kean
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Covington Cove Growth Allocation

Dear Ms. Kean:

We have received your submittal of the site plan as requested in my February 18, 2002 letter as well as the colored map produced by the Department of Technical and Community Services indicating the new area of growth allocation. The site plan addresses the conditions of that letter from the Critical Area Commission. The only outstanding issue on this growth allocation now relates to the amount of growth allocation that was approved by the Commission. It is my understanding that the Somerset County Commissioners approved the use of *approximately* 34 acres of growth allocation after a public hearing on August 28, 2001, with the anticipation that the specific amount of growth allocation could change. After the area of lots that included state tidal wetlands was subtracted, the acreage needed for growth allocation was determined by the County Department of Technical and Community Services to be 28.7 acres.

I will inform the Critical Area Commission of the change in the amount of growth allocation at their meeting on November 13, 2002 to make our records complete.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

October 16, 2002 1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

Mr. Tom Lawton
Somerset County Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, Maryland 21853

RE: Hall Subdivision 02-247, SO 608-02

Dear Mr. Lawton:

Thank you for providing information on the above-referenced project. It is my understanding that the property owner would like to create separate lots around two existing dwellings. The plat that we received shows that there are 40 acres on the north side of Bryan Hall Road. A follow-up discussion with you indicates that there are approximately 78 additional acres on the south side of Bryan Hall Road that are part of the same parcel. The parcel is located in an RCA. As you know, the density limit in the RCA is limited to one dwelling unit per 20 acres.

The site plan and the tidal wetland maps indicate that there are extensive tidal wetlands on the northern portion of the property. The State wetland maps indicate that these wetlands contain a combination of State (below mean high water) and private wetlands (above mean high water). State wetlands cannot be used as part of the 20 acres of land in density calculation. Private wetlands can be used for density purposes provided that there is at least 8 acres of upland per dwelling unit. The applicant can either have a survey done to determine how much acreage of the parcel are private wetlands or use the upland portion on the north side of Bryan Hall Road for density purposes and combine it with uplands on the south side of the parcel to make up the 20 acres needed per dwelling unit. If the applicant uses uplands from the south side of the parcel, the area used must be shown on the plat as restricted from future development and a restriction put in the deed.

If you have any questions regarding this letter please feel free to contact me at (410) 260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Claudia Jones".

Claudia Jones
Science Advisor

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Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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October 11, 2002

Mr. Chris Soldano
Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Cedar Park Farm – S 01-066, P 02-119

Dear Mr. Soldano:

I am writing to follow-up on our site visit of September 20, 2002. Since then we have received an aerial picture of the vicinity from Nancy Mathews of Cattail Consulting. Based on the aerial and the site visit, and a rough planimeter of the existing forest interior (that portion of the forest 300 feet from the edge) this office is considering the forest tract to be forest interior dwelling bird (FID) habitat; therefore, the Commission's publication A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area should be followed to protect and conserve FID habitat.

Under the Commission's site design guidelines for FID habitat, the existing forest interior needs to be maintained to the extent possible. The existing proposal locates the two lots in the middle of forest interior and therefore the guidelines have not been followed. Mitigation for impacts to FID habitat is based on the amount of forest that is directly cut and forest interior that is lost due to development. The applicant can determine the amount of mitigation that will be required by following the directions in the above-referenced guidance document. To reduce the amount of mitigation that will be required, the applicant can use the site design guidelines on pages 16 and 17 of the document to reconfigure the lots and reduce impacts to interior forest. For this office to make a determination that the guidelines have been followed, the applicant must incorporate as many of the site design guidelines as possible and at a minimum maintain at least 80% of the predevelopment forest interior.

I will be happy to assist the applicant in any way that I can. Please do not hesitate to call me at 410-260-3476.

Sincerely,

M. Claudia Jones

M. Claudia Jones
Science Advisor

MCF/jjd

cc: Ms. Nancy Mathews
Ms. Lisa Hoerger

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-3093

Staff Correspondence Vol. II: Labranche

2002

SI832-153-4

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

April 15, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2906, Dickinson

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition within the 100-foot Buffer and with greater impervious surface coverage than required. The property is designated a Resource Conservation Area (RCA) and is currently developed with a dwelling, garage, deck and driveway.

Providing this lot is properly grandfathered, we would not oppose a variance to improve the property. However, we would not support a variance to exceed the impervious surface limits (as required by the Calvert County Zoning Ordinance Article 4, Section 4-8.07) when alternatives exist on the site.

We have the following comments regarding the current development proposal.

- 1) Currently, the property is non-conforming with respect to impervious surface coverage, with 12,430 square feet or 18.5 percent. The maximum allowable impervious surface coverage for the property is 10,062.3 square feet or 15 percent. The current development proposal, to enclose an existing deck and expand the interior living space, will increase the impervious surface coverage on the property by 460 square feet.
- 2) Based on the site plan provided, it appears that by removing an equivalent area of existing impervious surface coverage on the property, the proposed improvements could be accommodated without further exceeding the maximum impervious surface limits. The existing impervious areas on the property include a circular driveway, which connects to the dwelling by a concrete walkway, and an entrance and turn around area adjacent to the garage. These impervious areas could be reduced or reconfigured to offset the 460 square feet of proposed impervious surface.

Roxana L. Whitt

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Variance 2003-2906, Dickinson
April 15, 2003
Page 2

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Based on GIS information from the Department of Natural Resources, it appears that much of the Buffer on the property is not forested. We recommend that mitigation plantings, consisting of a mix of native trees and shrubs, be utilized to establish forest cover in the Buffer.
- 4) Stormwater from the new structures should be directed to a stable vegetated outfall to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 272-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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April 15, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2914, Osman

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling within the 100-foot Buffer, with clearing greater than 30 percent, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Due to environmental constraints, several Critical Area variances are required in order to develop the property. Based on the information provided, the property is fully forested, contains extensive steep slopes, and is located entirely within the expanded Buffer. The current development proposal includes clearing in excess of 30 percent and disturbance to steep slopes within the entire limits of disturbance, as identified on the site plan. The only alternative location for the proposed development would be closer to the shoreline, however this is not a preferred alternative. It appears that the applicant has attempted to minimize disturbance within the Critical Area to the extent possible, while accommodating development of the property.
- 2) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be required. Since the lot is fully forested, mitigation alternatives will need to be addressed. Disturbed areas, especially areas adjacent to proposed structures, should be revegetated to the extent possible following construction.

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Roxana L. Whitt
Variance 2003-2914, Osman
April 15, 2003
Page 2

- 3) Stormwater runoff should be directed to a best management practice appropriate for the steeply sloping conditions on the property, specifically those areas adjacent to proposed structures (dwelling, garage and driveway). Due to conditions on the site, we recommend that all stormwater best management practices be designed, and maintained over time, to prevent erosion on steep slopes and maintain water quality within the Critical Area and Scotland Cove.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 271-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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April 15, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2907, Ron Wells

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required and within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, deck and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) Based on the information provided, the 100-foot Buffer appears to have been measured from the property boundary, not from the mean high water line of tidal waters (Chesapeake Bay). We recommend that the applicant provide a revised site plan that accurately identifies the 100-foot Buffer. Given the location of the existing bulkhead on the property, the Buffer is likely farther landward than the Buffer shown on the site plan provided. Therefore, most of the property and the proposed development would be located within the Buffer.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Based on GIS information from the Department of Natural Resources, it appears that mitigation could be accommodated on the property. Mitigation plantings, consisting of a mix of native species of trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of the property.
- 3) Stormwater should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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Roxana L. Whitt
Variance 2003-2907, Ron Wells
April 15, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: CA 273-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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April 15, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2917, Carl Beeler

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling, driveway and septic system with disturbance to slopes of 15 percent or greater. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed regarding the current development proposal.

- 1) Based on the information provided, steep slopes are present on the lower half of the property adjacent to Catalina Drive, while the upper portion of the property appears to be relatively flat. We recommend that the proposed dwelling be moved approximately 30 feet toward the back of the lot to minimize disturbance to steep slopes.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed.
- 3) Based on the site plan provided, stormwater runoff from the back of the dwelling will be directed to two dry wells. It appears that stormwater runoff from the front of the dwelling will be directed to a roof drain, leading off the property toward Catalina drive. Where will the runoff be directed to after leaving the property? We recommend that all runoff generated from the proposed structures be directed to a best management practice on the property, rather than directed to an untreated inlet or outfall elsewhere.

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Roxana L. Whitt
Variance 2003-2917, Carl Beeler
April 15, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: CA 276-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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April 15, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2912, Zina Blodgett

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling, driveway and septic system with disturbance to slopes of 15 percent or greater. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed regarding the current development proposal.

- 1) Based on the information provided, steep slopes are present over most of the property. It appears that disturbance to steep slopes has been minimized to the extent possible while accommodating development of the property.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed.
- 3) A stormwater best management practice, appropriate for the existing topography, should be implemented to prevent erosion of steep slopes and provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 274-03

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Ren Serey
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CHESAPEAKE AND ATLANTIC COASTAL BAYS
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April 15, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0071, Danielle Milinski

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. Areas that are disturbed during construction should be revegetated to the extent possible following construction. Because the property is designated an Intensely Developed Area, a reduction in pollutant loads must be demonstrated on the site to offset the proposed development. Pollutant removal can be achieved through implementation of a stormwater best management practice or with appropriate plantings on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 223-03

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Ren Serey
Executive Director

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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April 8, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0077, Anne Arundel County, Department of Public Works
Special Exception 2003-0076, Anne Arundel County, Department of Public Works

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting: 1) a variance to permit modification of an existing water reclamation facility with less setbacks and Buffer than required, and 2) a special exception to permit the modification of a previously approved special exception to expand an existing water reclamation facility. The Broadwater Water Reclamation Facility has a split designation of Limited Development (LDA) and a Resource Conservation Area (RCA). The current development proposed is located within the LDA portion of the site.

On April 4, 2003, we received revised information from Watek Engineering Corporation regarding the proposed improvements at the Broadwater Water Reclamation Facility. Based on the information provided, we would not oppose the requested variance and special exception.

- 1) The site is currently non-conforming with respect to impervious surface coverage, with approximately 21.3 percent. The revised impervious surface calculations state that 750 square feet of new impervious surface is proposed and 780 square feet of existing impervious surface will be removed. This results in a net decrease of 30 square feet of impervious surface coverage on the site.
- 2) In approving a previous development project at this facility in December 2002, the Commission required mitigation for the area of new development and removal of existing impervious surface to offset the proposed improvements. Since the soil odor filter structure will be located on an existing pervious area, mitigation will be required for the area of new impervious surface proposed within the Critical Area (750 square feet less 30 square feet).

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Ramona Plociennik
April 8, 2003
Variance 2003-0077 and Special Exception 2003-0076
Anne Arundel County, Department of Public Works
Page 2

- 2) Because the facility is constructed on hydric soils, the entire site is within the expanded Critical Area Buffer. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs that are appropriate for site conditions.
- 3) An appropriate stormwater best management practice should be implemented to treat runoff from the new and modified structures, providing additional water quality benefits on the site.
- 4) Because this project involves disturbance within the Buffer, a conditional approval by the Commission is required. Once the variance and special exception are approved locally, we will coordinate with County staff to place this project on the Commission agenda to ensure approval in a timely manner.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Elinor Gawel (Anne Arundel County, Office of Planning and Zoning)
Steve Burzenski (Anne Arundel County, Department of Public Works)

AA 700-02, revised plans

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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April 8, 2003

Steve Burzenski
Project Manager, Bureau of Engineering
Anne Arundel County
Department of Public Works
2662 Riva Road, MS-7301
Annapolis, Maryland 21401

Re: Mitigation for the Broadwater Water Reclamation Facility

Dear Mr. Burzenki:

Thank you for discussing Critical Area issues relating to the current proposal for the Broadwater Water Reclamation Facility. Based on our conversations of April 7, 2003, the following will apply to the proposed improvements to the Broadwater Water Reclamation Facility.

- 1) The facility is currently non-conforming with respect to impervious surface coverage. To offset the proposed improvements, an area of existing impervious surface equivalent to the area of new impervious surface (750 square feet) shall be removed, plus an additional 30 square feet.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, will be required. The mitigation requirement will be 2,160 square feet (720 square feet x 3). As we discussed, the required mitigation will be incorporated into a planting plan proposed to satisfy the mitigation requirements for a previous project at the facility, which was approved by the Commission on December 4, 2002.
- 3) The planting proposal for the previous project includes 1,034 square feet of mitigation plantings in excess of that required for the project. This balance will be applied to the current mitigation requirement, leaving a balance of 1,126 square feet. We request a revised planting plan and Plantings Agreement Form that includes the balance of the additional required mitigation for the site.

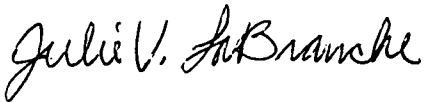
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Steve Burzenski
Mitigation for the Broadwater Water Reclamation Facility
April 8, 2003
Page 2

If you have any questions regarding this letter, please contact me (410) 260-3475.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: Claudia Jones (Critical Area Commission)
Eleanor Gawel (Anne Arundel, Department of Planning and Zoning)

AA 700-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 1, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 03-25, John and Nancy Caldwell

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a walkway around the perimeter of the dwelling within the 100-foot Buffer. Based on the information provided, approximately 180 square feet of new impervious surface is proposed for the purpose of providing safe access for washing windows. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and driveway.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. We recommend that mitigation plantings, consisting of a mix of native trees and shrubs, be directed first to non-forested areas within the Buffer.
- 2) Stormwater from the new impervious surface should drain to vegetated areas on the property to allow for infiltration.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 214-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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April 1, 2003

Kathleen Shatt
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0068, Albert Johnson

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with approximately of 2,786 square feet of impervious surface.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) Based on GIS information from the Department of Natural Resources, it appears that the property is mostly forested. The forested area shown on the site plan and the area of clearing stated in the variance application do not appear to be representative of the existing forested area on the property. The applicant must provide revised calculations of the existing forested area on the property and the area of clearing associated with the proposed development. The applicant must provide a revised site plan, showing the existing forested area on the property.
- 2) The applicant states that the property currently has 2,786 square feet of impervious surface. The site plan does not show any existing impervious surface or structures. The applicant must provide a description of the existing development on the property and identify these areas on a revised site plan.
- 3) Steep slopes are not identified on the site plan provided. As estimated from the site plan, it appears that steep slopes (between 15-16 percent) are confined to the northern half of the property (area between the existing access easement and the proposed garage). We recommend that the applicant investigate an alternative configuration for the proposed development, demonstrating that impacts to steep slopes and forest clearing have been minimized. A revised site plan should be provided, identifying the extent of steep slopes on the property.

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Kathleen Shatt
Variance 2003-0068, Albert Johnson
April 1, 2003
Page 2

- 2) Mitigation for disturbance outside the Buffer should be required as follows: 3:1 for clearing in excess of 30 percent, 1:1.5 for clearing less than 30 percent but greater than 20 percent, and 1:1 for clearing equal to or less than 20 percent (Anne Arundel County Zoning Ordinance, Article 28, §1A-104(c)). It appears that some mitigation can be accommodated on the site, but alternatives may need to be addressed to meet the mitigation requirement. Mitigation plantings, consisting of a mix of native trees and shrubs, can be used to revegetate disturbed areas following construction.
- 3) Based on the site plan provided, it appears that all stormwater runoff from the site will be directed to a best management practice (a grass swale with check dams and infiltration area), located on slopes of 15 percent. We recommend that an alternative to this best management practice be considered, one that reduces disturbance to steep slopes on the property. For example, several small best management practices could be implemented as an alternative to directing all runoff to one location. It appears that water quality would be enhanced by directing stormwater to existing forested areas on the property that are not steeply sloped.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 221-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 1, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2887 Ibell Enterprises

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to clear greater than 30 percent of the property and for disturbance to slopes of 15 percent or greater to construct of a single-family dwelling and septic system. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We received a revised variance application and site plan on February 13, 2003 for which we provided to comments to the County on February 25, 2003. We received revised site plans (Option A and B) from Mr. Ed Lucic, President of Ibell Enterprises, Inc., on March 14, 2003. We have the following comments regarding the revised plans.

Providing this lot is properly grandfathered, we would not oppose a variance to develop this property. We have the following comments regarding the current proposal.

- 1) The revised site plans include reductions in the amount of clearing and grading necessary for both Option A and Option B. However, it is difficult to compare calculations of disturbance between the two Options because the design and size of the proposed dwelling are different. Disturbance to steep slopes has not been quantified for either Option A or Option B. It would be helpful to further evaluate this proposal if the site plan included calculations of the area of disturbance to steep slopes.

Option A, with access from Rousby Hall Road, proposes 6,425 square feet of clearing (27 percent), 2,238 square feet of impervious surface coverage and disturbance to steep slopes. Option B, with access from Gun Road, proposes 8,194 square feet of clearing (35 percent), 3,429 square feet of impervious surface coverage, and disturbance to steep slopes. The amount of clearing would be reduced in Option B, if the dwelling configuration in Option A, a combination 2-story dwelling with basement garage, were utilized.

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Roxana L. Whitt
Variance 2003-2887 Ibell Enterprises
April 1, 2003
Page 2

- 2) We understand that Gun Road currently provides access for most lots in this portion of the Chesapeake Ranch Estates subdivision. Based on conversations with County Planning and Zoning staff, an unimproved access exists from Gun Road to the property at approximately the same location as the driveway proposed in Option B. It is not clear how much clearing would be necessary to construct a driveway from the existing access. It would be helpful to further evaluate this proposal if the site plan included a description of this access, its location on the property, and the amount of clearing necessary to construct a driveway.
- 3) Mitigation should be required, at a ratio of 3:1 for disturbance outside the Buffer for clearing in excess of 30 percent or 6,000 square feet, whichever is greater (Calvert County Zoning Ordinance Article 4, Section 4-8.07). Mitigation should be required, at a ratio of 1:1 for disturbance outside the Buffer for clearing less than 30 percent or 6,000 square feet, whichever is greater. Mitigation opportunities will be limited since the lot is fully forested and therefore mitigation alternatives should be addressed. It appears that some mitigation plantings can be accommodated around the perimeter of the dwelling following construction.
- 4) Stormwater should be directed to stable vegetated outfalls, avoiding discharge near steep slopes on the property. Appropriate best management practices should be utilized to prevent erosion of steep slopes and provide water quality benefits on the site.

As stated in our previous comments of February 25, 2003, we recommend that the applicant investigate alternative configurations, demonstrating that disturbance within the Critical Area has been minimized to the extent possible. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 39-03, second revision

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

March 31, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 03-16, George Henderson

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition, a portion of which is within the 100-foot Buffer (approximately 43 square feet of new impervious surface proposed). The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, shed, and driveway.

If granted, we recommend the following be made conditions of this variance.

- 1) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings, consisting of a mix of native trees and shrubs, be directed first to non-forested areas within the Buffer.
- 2) Stormwater from the proposed addition should be directed to a stable vegetated outfall on the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 146-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 31, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 03-21, Heather Ransom

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition and deck within the 100-foot Critical Area Buffer. The 100-foot Buffer is not shown on the site plan. As estimated from the site plan, it appears that a small portion of the dwelling addition and most of the deck are located within the Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, deck and garage.

If granted, we recommend that the following be made conditions of this variance.

- 1) The proposed deck should be designed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end to provide water quality benefits. However, since the deck is only partially pervious, the entire deck area should be included in the mitigation calculations.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be directed first to non-forested areas within the Buffer then to other areas of the property.
- 3) Stormwater runoff from the proposed structures should be directed to a stable vegetated outfall on the property. Mitigation plantings can be utilized to manage and treat stormwater runoff, providing additional water quality benefits within the Critical Area.

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Amy Moredock
Variance 03-21, Heather Ransom
March 31, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: KC 189-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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March 31, 2003

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Grading Permit #32523, John Lanier

Dear Mr. Swartz:

Thank you for providing information on the above referenced development project. The applicant is requesting a building-grading permit to construct a single-family dwelling and septic system. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

We have the following comments regarding the current development proposal.

- 1) The 100-foot Critical Area Buffer is not delineated accurately on the site plan provided. The Buffer must be measured from the landward edge of tidal wetlands and mean high water line of tidal waters whichever is greater in extent (as required by Article 4, Section 4-4.07 of the Calvert County Zoning Ordinance). Based on conversations with County staff, the applicant will provide a revised site plan, showing the correct extent of the Buffer on the property.
- 2) As estimated by Commission staff (refer to attached copy of the site plan), it appears that the limits of disturbance extend within the Buffer and therefore a variance would be required. Because there does not appear to be any specific constraints on this 3.578 property, we recommend that the applicant revise the current site plan to eliminate disturbance within the Buffer. We would not support a variance for disturbance within the Buffer when alternative development concepts could be accommodated on the property. Based on conversations with County staff, the County has also advised the applicant to relocate all structures and disturbance outside the Buffer.
- 3) Based on the site plan provided, the applicant has proposed substantial reforestation of the property. The site plan indicates that numerous trees will be removed to establish a "multi-use recreation area" on the property. We recommend that the applicant coordinate development of a planting plan for the property, upon revision of the site plan as recommended. A copy of the planting plan should be provided to this office for review and comment.

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John Swartz
Grading Permit #32523, John Lanier
March 31, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this proposal. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: CA 174-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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March 31, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2901, Jones

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to construct a single-family dwelling within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, nearly the entire property is located within the 100-foot Buffer. It appears that disturbance within the Buffer has been minimized to the extent possible while accommodating a modest size dwelling on the property.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed. We recommend that mitigation plantings be accommodated on the site to the extent possible, between the dwelling and Drum Point Lake, to enhance water quality and riparian habitat.
- 3) Areas disturbed during installation of the well and septic system should be revegetated following completion of construction. Mitigation plantings can be used for this purpose.
- 4) We recommend that super-silt fence be installed along the construction perimeter adjacent to Drum Point Lake to ensure that water quality will not be impacted during construction.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Julie V. LaBranche

Natural Resources Planner

cc: CA 196-03

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Chairman



Ren Serey
Executive Director

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March 27, 2003

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Major Subdivision 03-07 (Tax Map 44, Parcel 514)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 5.73 acre parcel to create 20 new lots. The Critical Area portion of the parcel is 2.31 acres and is designated a Limited Development Area. Within the Critical area, 7 new lots, an access road, and a portion of a clubhouse are proposed. The property is currently undeveloped, with the exception of an access road, which will be removed as part of the current subdivision proposal.

Based on the information provided, we have the following comments regarding the subdivision proposal.

- 1) Individual lots within the Critical Area can be allowed up to 25 percent impervious surface coverage, providing the Critical Area portion of the subdivision does not exceed 15 percent impervious surface coverage (Article 4, Section 4-8.07 of the Calvert County Zoning Ordinance). The 15 percent impervious surface coverage limit for the subdivision must include all impervious structures and roads within the Critical Area. Because a portion of the access road and the clubhouse are within the Critical Area, these impervious areas must be considered in the calculation of the total impervious surface coverage allowed for the subdivision and for lots created within the Critical Area.
- 2) We recommend that a maximum impervious surface coverage limit be established, and recorded on the final subdivision plat, for each lot within the Critical Area. This will ensure that future development of these lots will not exceed the 15 percent impervious surface coverage limit established for the Critical Area portion of the subdivision. This office would not support the creation of lots for which a variance to the impervious surface limits would be necessary.

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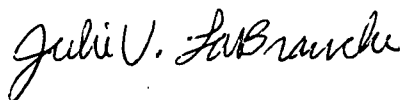
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Olivia Vidotto
Major Subdivision 03-07 (Tax Map 44, Parcel 514)
March 27, 2003
Page 2

- 3) The applicant must request an evaluation by the Department of Natural Resources (DNR) for the presence of rare, threatened, and endangered species on the property and within the vicinity. If present, DNR's recommendations for protection of species and their habitat must be addressed before final approval of the subdivision.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 210-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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March 28, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0079, Richard Nash

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding this development proposal.

- 1) Based on the information provided, the property is nonconforming with respect to impervious surface coverage, with the maximum allowable being 2,250 square feet (25 percent plus 500 square feet). The current development proposal will reduce impervious surface coverage by, from 2,650 square feet to 2,634 square feet.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. It appears that mitigation plantings can be accommodated on the property.
- 3) Stormwater from the new construction should be directed to a stable vegetated outfall on the property to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Natural Resource Planner

cc: AA 227-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 28, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0081, Javors-Lucas

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding this development proposal.

- 1) Based on the site plan provided, it appears that disturbance within the Critical Area has been minimized to the extent possible while accommodating the proposed development. As noted on the site plan, the deck footers will be dug by hand to minimize disturbance within the nontidal wetland and minimal grading is proposed adjacent to the dwelling.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs that are appropriate for wet conditions and similar to the native wetland vegetation in the nontidal wetlands. Areas on the site that are disturbed during construction should be revegetated to the extent possible.
- 3) An appropriate stormwater best management practice should be selected to provide additional water quality benefits on the site and to maintain the habitat and hydrologic condition of the nontidal wetlands on the property. We also recommend that super-silt fence be installed around the limits of disturbance to ensure protection of the Buffer and nontidal wetlands during construction.
- 4) The applicant will need to secure the appropriate authorization from the Department of the Environment for impacts proposed within the nontidal wetland and wetland buffer.

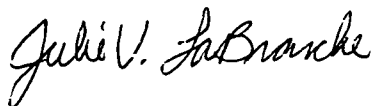
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Ramona Plociennik
Variance 2003-0081, Javors-Lucas
March 28, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 226-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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March 28, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0060, Sara Phillips

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with disturbance to steep slopes, greater impervious coverage than allowed, and with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding this development proposal.

- 1) The applicant proposes to increase the impervious surface coverage on the property from 5,354 square feet to 5,614 square feet in order to enlarge an existing solarium, which is attached to the dwelling. The total impervious surface coverage proposed exceeds the maximum allowable limit by 169 square feet. Based on the site plan provided, it appears that an equivalent area of the existing concrete patio could be removed to offset the proposed impervious surface and therefore eliminating the need for a variance for impervious surface coverage.
- 2) Based on the photographs provided of the property, it appears that steep slopes are confined to a small area adjacent to the dwelling. Since the addition will be constructed on pilings, it appears that disturbance to steep slopes has been minimized. We recommend that the use of heavy equipment on steep slopes be limited to extent possible for construction. Disturbed areas should be revegetated following construction.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. It appears that mitigation plantings can be accommodated on the property.

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Ramona Plociennik
Variance 2003-0060, Sara Phillips
March 28, 2003
Page 2

- 3) Stormwater from the addition should be directed to a stable vegetated outfall on the property to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 216-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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March 28, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0064, Richard Whitaker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding this development proposal.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. It appears that mitigation plantings can be accommodated on the property.
- 2) Stormwater from the addition should be directed to a stable vegetated outfall on the property to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 219-03

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Ren Serey
Executive Director

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March 28, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0082, Engleman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, shed and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding this development proposal.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs. It appears that mitigation plantings can be accommodated on the property.
- 2) The deck should be designed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 228-03

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Judge John C. North, II
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Ren Serey
Executive Director

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March 26, 2003

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Minor Subdivision 03-07-35 Creek Field (Tax Map 35, Parcel 2)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 30.80 acre parcel to create 2 new lots outside the Critical Area and a residue parcel of 19.46 acres. Based on the site plan provided, approximately 15.22 acres of the proposed residue parcel is within the Critical Area and is designated a Resource Conservation Area (RCA). We understand that no subdivision or property improvements have been proposed within the Critical Area. Subdivision of the Critical Area portion of the parcel is not permitted, without the use of growth allocation. We have no further comments regarding this subdivision proposal.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 211-03

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Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 26, 2003

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Building-Grading Permit, Ward, Reid Hewitt

Dear Mr. Swartz:

Thank you for providing information on the above referenced development project. The applicant is requesting a building-grading permit to construct a single-family dwelling and septic system. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

We have the following comments regarding the current development proposal.

- 1) Based on the information provided, the property has been conveyed recently from Reid Hewitt Ward to Dorothy Owens Jones Ward by inter-family transfer (as permitted by Article 4, Section 4-9.08 of the Calvert County Zoning Ordinance).
- 2) Based on the site plan provided, the proposed development appears to be consistent with the Critical Area provisions in Article 4 of the Calvert County Zoning Ordinance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this proposal. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 194-03

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Chairman



Ren Serey
Executive Director

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March 26, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2900, Doll

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to construct a single-family dwelling and well within the required cliff setback. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) The required setback at this location is 60 feet from the top of the cliff, given that the cliff is greater than 100 feet from mean high water line (Article V, Section 4-4.05 of the Calvert County Zoning Ordinance). Based on the site plan provided, it appears the dwelling could be reconfigured to reduce intrusion within the cliff setback area. We recommend that the applicant investigate this alternative to allow for the maximum setback between the dwelling and cliff. (Refer to attachment showing an example of an alternative configuration for the proposed dwelling.)
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed. We recommend that mitigation plantings be accommodated on the site to the extent possible, between the dwelling and Chesapeake Bay, to enhance water quality and riparian habitat.
- 3) Areas disturbed during installation of the well and septic system should be revegetated following completion of construction. Mitigation plantings can be used for this purpose.

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(410) 822-9047 Fax: (410) 820-5093

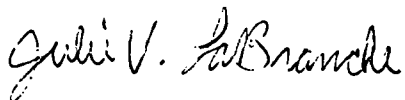
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Roxana L. Whitt
Variance 2003-2900, Doll
March 26, 2003
Page 2

- 4) We recommend that super-silt fence be installed along the construction perimeter adjacent to Chesapeake Bay to ensure that water quality will not be impacted during construction.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 197-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

March 26, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2899, Boley

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to construct a single-family dwelling and septic system with disturbance to slopes of 15 percent or greater. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) As noted on the site plan, we recommend that super-silt fence be installed around the limits of disturbance, adjacent to Seminole Road, to prevent erosion of steep slopes on the property and to ensure that water quality will not be impacted during construction.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed.
- 3) Areas disturbed during installation of the well and septic system should be revegetated following completion of construction. Mitigation plantings can be used for this purpose.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: CA 198-03

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(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 25, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0031, Bay Area Homes & Development

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed regarding the current proposal.

- 1) Based on the site plan provided and information from the Department of Natural Resources, tidal wetlands are present adjacent to Shore Drive. The 100-foot Critical Area Buffer must be delineated from the edge of tidal wetlands and shown on the site plan. Commission staff approximate that the 100-foot Buffer would roughly bisect the property.
- 2) It appears that development is proposed within the Buffer. In order to minimize disturbance within the Buffer, we recommend that the proposed dwelling and driveway be shifted as close to the building restriction line at the front of the lot as possible.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs, and ground cover and be directed first to nonforested areas within the Buffer.

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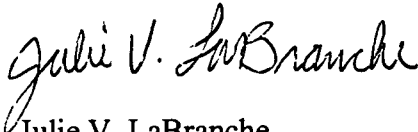
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Ramona Plociennik
Variance 2003-0031, Bay Area Homes & Development
March 25, 2003
Page 2

- 4) Because this property is designated an IDA, additional pollutant reduction is required to offset the proposed development. Water quality improvements can be achieved through the implementation of additional stormwater best management practices or with plantings on the site. As shown on the site plan, stormwater will be directed to a bio-retention area at the front of the property.
- 5) The applicant should provide a revised site plan, showing the extent of the 100-foot Buffer, and calculations for clearing and impervious surface coverage within and outside the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Rocco Enterprises, Inc.

AA 132-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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March 25, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0047, Lowell Lamont

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and facilities with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the site is fully forested, mitigation alternatives will need to be addressed. Stormwater should be directed to a stormwater best management practice on site, appropriate for the site conditions, to provide water quality benefits. We recommend that filling and grading adjacent to the dwelling be kept to the minimum necessary for construction. Disturbed areas should be revegetated with native species appropriate for the site conditions and landscaping should not disturb the nontidal wetlands remaining after construction. The applicant must secure the necessary permits from the Department of the Environment for the proposed disturbance to nontidal wetlands and wetland buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 181-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 26, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0057, Foerter, Conrad and Adele

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs.
- 2) Because this property is an IDA, water quality improvements must be demonstrated to offset the proposed development. Pollutant removal can be achieved by implementing stormwater best management practices or by planting vegetation to provide water quality improvements.
- 3) Stormwater should be directed to a stable, vegetated outfall on the property, to provide additional water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 184-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Ren Serey
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March 26, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0051, Rakani, Behrouz and Deanna

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, garage, patio, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that an area of existing impervious surface, equivalent to the proposed addition (63 square feet), will be removed. We recommend that this area be planted with native vegetation to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 522-01

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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March 26, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 03-21, Heather Ransom

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition and deck within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, deck and garage.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comment regarding this development proposal.

- 1) The 100-foot Buffer is not shown on the site plan. As estimated from the site plan, it appears that a small portion of the dwelling addition and most of the deck are located within the Buffer. Due to constraints presented by the existing septic system on the property, we feel that disturbance within the Buffer has been minimized to the extent possible, while accommodating the desired improvements.
- 2) The proposed deck should be designed to be pervious, with a gravel substrate and vegetative stabilization on the downslope end to provide water quality benefits.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be directed first to non-forested areas within the Buffer then to other areas of the property.
- 4) Stormwater runoff from the proposed structures should be directed to a stable vegetated outfall on the property. Mitigation plantings can be utilized to manage and treat stormwater runoff, providing additional water quality benefits within the Critical Area.

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Amy Moredock
Variance 03-21, Heather Ransom
March 26, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: KC 189-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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March 26, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 03-16, George Henderson

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition, a portion of which is within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding this proposal.

- 1) The applicant has proposed 43 square feet of new impervious surface within the Buffer.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings, consisting of a mix of native trees and shrubs, be directed first to non-forested areas within the Buffer.
- 3) Stormwater from the proposed addition should be directed to a stable vegetated outfall on the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 146-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

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March 18, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0067, Brian and Donna Wiggins

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier and moorings with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance. If any disturbance within the Buffer is proposed for this project, we request to review a revised sit plan with details of construction. We have no further comments regarding this proposal.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 86-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

March 18, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0058, Barry and Jennifer McCormick

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the deck. The deck should be constructed with a pervious design, with a gravel substrate and vegetative stabilization on the down-slope end. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Mitigation plantings should be directed first to non-forested areas within the Buffer. We recommend that a mix of native species of trees and shrubs be used for these plantings.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 185-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 19, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0035, Scott Lingeran

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, deck, porch, walkways, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings be directed first to non-forested areas within the Buffer. Mitigation plantings should consist of a mix of native species of trees and shrubs.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 176-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

March 7, 2003

Bobbie Hutchinson
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Site Plan Review for Solomons Fastop

Dear Ms. Hutchinson:

The purpose of this letter is to provide final comments regarding the site plan review for redevelopment of Solomons Fastop property. All Critical Area issues raised in my letter of March 22, 2002 have been resolved. Mitigation is not required for this project since the site is currently 100 percent impervious. A reduction in impervious surface coverage is proposed and plantings will be used on the property to provide water quality benefits, in addition to the proposed stormwater best management practice (a bio-retention area on the south side of the property).

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this project.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: Keith Ulrich (Collinson, Oliff & Associates, Inc.)

CA 650-00 (revised 3/7/03)

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 7, 2003

Rob Konoval
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0587, Kable

Dear Mr. Konoval:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and septic system with less setbacks and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed regarding the current development proposal.

- 1) Because the proposed development will disturb a substantial area of steep slopes on the property, we recommend the use of super-silt fence around the limits of disturbance. Also, the use of heavy machinery on steep slopes should be limited to the minimum necessary for construction. Areas disturbed on steep slopes should be re-vegetated following construction to prevent erosion and provide water quality benefits. Mitigation plantings can be used for this purpose.
- 2) The current includes 1,510 square feet of impervious surface coverage. In considering future improvements to the property, the applicant should be aware that the maximum allowable impervious surface coverage for this lot is 1,750 square feet.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be used to re-vegetate disturbed areas following construction, particularly on steep slopes. We recommend that plantings consist of a mix of native species of trees, shrubs, and ground cover.

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Rob Konoval
Variance 2002-0587, Kable
March 7, 2003
Page 2

- 4) Stormwater should be directed to a stable vegetated outfall, avoiding discharge near steep slopes on the property. Mitigation plantings can be used to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 102-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401

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March 7, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0020, Susan Low

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. Because this property is designated an IDA, pollutant reductions must be provided on the site to offset the proposed development. Water quality improvements can be achieved by planting vegetation and implementing best management practices to treat stormwater runoff from the site. Development of an approved planting plan must be coordinated with County and Commission staff.

Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs, and ground cover and be directed first to nonforested areas within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 127-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Ren Serey
Executive Director

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March 3, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0031, Bay Area Homes & Development

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, walkways, and two driveways.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed regarding the current proposal.

- 1) Based on the site plan provided and information from the Department of Natural Resources, tidal wetlands are present adjacent to Shore Drive. The 100-foot Critical Area Buffer must be delineated from the edge of tidal wetlands and shown on the site plan. Commission staff approximate that the 100-foot Buffer would roughly bisect the property.
- 2) It appears that development is proposed within the Buffer. In order to minimize disturbance within the Buffer, we recommend that the proposed dwelling and driveway be shifted as close to the building restriction line at the front of the lot as possible.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs, and ground cover and be directed first to nonforested areas within the Buffer.
- 4) As shown on the site plan, stormwater will be directed to a bio-retention area at the front of the property.

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Ramona Plociennik
Variance 2003-0024, Richard Siess
March 3, 2003
Page 2

- 5) The applicant should provide a revised site plan, showing the extent of the 100-foot Buffer, and calculations for clearing and impervious surface coverage within and outside the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Rocco Enterprises, Inc.

AA 132-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 27, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0024, Richard Siess

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a house, deck, walkways, and two driveways.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current proposal.

- 1) Based on the information provided, the property is currently non-conforming with respect to impervious surface coverage. The maximum allowable impervious surface coverage for this property is 2,558.3 square feet (31.25 percent). With respect to the current development proposal, it appears that the applicant has attempted to minimize disturbance and improve the non-conforming condition of the property. As a result, impervious surface coverage on the property will be reduced from 3,265 square feet (39.9 percent) to 2,865.20 square feet (35 percent) by eliminating the second driveway and portions of the existing walkway. However, a small area of new impervious will be created due to expansion of the driveway.
- 2) Mitigation, at a ratio of 2:1, should be required for new impervious surface within the Buffer. Mitigation plantings should be used to re-vegetate disturbed areas following construction, particularly areas where impervious surface will be removed. We recommend that plantings consist of a mix of native species of trees, shrubs, and ground cover.
- 3) Stormwater should be directed to a stable vegetated outfall on the property. Mitigation plantings can be used to provide water quality benefits on the site.

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Ramona Plociennik
Variance 2003-0024, Richard Siess
February 27, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 130-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 27, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0034, Personal Touch Investments, Inc. (Tax Map 57, Parcel 0010, Lot 27)

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and associated facilities with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on information provided in the environmental report (Ed Brown & Assoc., Inc.) and the Department of Natural Resources, it appears that the 100-foot Critical Area Buffer must be expanded to include contiguous nontidal wetlands and hydric soils adjacent to and including the entire property.
- 2) We understand that the dwelling will be constructed on pilings, and the only permanent impacts to the nontidal wetlands will be for construction of the driveway. The applicant must acquire the required authorizations from the Department of the Environment for impacts to nontidal wetlands.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since mitigation is not feasible on this site, mitigation alternatives will need to be addressed. We recommend that all disturbed areas (excluding the driveway) be re-vegetated following construction. These areas should be planted with a mix of native species of low shrubs, grasses or ground cover that are indigenous to the nontidal wetlands on the property.
- 4) Stormwater should be directed to a best management practice to provide water quality benefits and protect the nontidal wetlands on the property.

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Ramona Plociennik
Variance 2003-0034, Personal Touch Investments, Inc.
February 27, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: AA 134-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 27, 2003

Betsy Vennell
Office of Planning and Zoning
Town of North East
P.O. Box 528
North East, Maryland 21901-0528

Re: Special Exception Case A-2003-02-SE for Victoria Park

Dear Ms. Vennell:

Thank you for providing information on the above referenced request for special exception. The applicant is requesting a special exception to exceed the maximum allowable housing/unit density for the proposed senior housing facility. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Based on the information provided, we would not oppose this request for a special exception. The proposed development must comply with all provisions for development for an IDA within the Critical, including compliance with the 10% Rule requiring reductions in pollutant loadings after development.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this special exception. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: NE 121-03

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Chairman



Ren Serey
Executive Director

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February 27, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0028, Scott Morton

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a pier of greater length than allowed. The property is designated an Intensely Developed Area (IDA). Information was not provided regarding the current development conditions on the property.

Providing this lot is properly grandfathered, we would not oppose this variance. If applicable, information should be provided about any development activities (grading, clearing, filling) proposed within the Buffer that are associated with construction of the pier. We have no further comments regarding this variance request.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 136-03

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Chairman



Ren Serey
Executive Director

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February 27, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0016, Jeff Garlach

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, porch, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We recommend that plantings consist of a mix of native species of trees, shrubs, and ground cover. Because the property is designated IDA, water quality improvements must be demonstrated on the site. Mitigation plantings can be utilized for this purpose. Stormwater should be directed to a stable vegetated outfall on the property to provide additional water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 126-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman



Ren Serey
Executive Director

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February 27, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0023, Stuart Schoenburg

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, porch, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current proposal.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs, and ground cover, and that plantings be first directed to non-forested areas within the Buffer.
- 2) Stormwater should be directed to a stable vegetated outfall on the property. Mitigation plantings can be used to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 129-03

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Chairman



Ren Serey
Executive Director

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February 25, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2888, Carbonaro/Osprey Cove Subdivision

Dear Ms. Whitt:

Thank you for providing information on the above referenced subdivision. The applicant is requesting a variance to exceed impervious surface limits to more than 15 percent for a subdivision. The property is designated a Limited Development Area (LDA) and is currently developed with single-family homes.

Based on the information provided, we would oppose this variance. We have the following comments regarding the current proposal.

- 1) Based on information provided by staff from the Calvert County Department of Planning and Zoning, the existing impervious surface coverage for this subdivision is approximately 73,050 square feet or 14.9 percent of the property. The applicant requests to create approximately 2,800 square feet of additional impervious surface coverage to provide a paved access road for seven lots in the subdivision, resulting in approximately 74,850 square feet of impervious surface coverage or 15.5 percent of the subdivision. We understand that the property owners served by the access road wish to pave the surface, which is currently composed of gravel, in order to facilitate snow removal and maintenance.
- 2) This office does not support variances to exceed the impervious surface limits for non-grandfathered subdivisions within the Critical Area. If granted, we ask that the following be made a condition of this variance: stormwater runoff from the access road should be directed to a non-structural best management practice to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

cc: CA 113-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 25, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2887 Ibell Enterprises

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to clear greater than 30 percent of the property and for disturbance to slopes of 15 percent or greater to construct of a single-family dwelling and septic system. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We received a revised variance application and site plan on February 13, 2003.

This office cannot support this variance proposal to exceed clearing limits when alternatives may exist on the site. We have the following comments regarding this variance proposal.

- 1) Based on the revised site plan, the limits of disturbance for construction have been reduced from 51 percent to 45 percent, and forest clearing has been reduced from 51 percent to 46 percent. Reductions in the overall disturbance to steep slopes were accomplished by minimizing the limits of disturbance adjacent to the dwelling and eliminating clearing associated with installation of the water house connection. Although the overall disturbance has been reduced, it appears that extensive grading is again proposed on the south side of the lot. We recommend that the applicant clarify why this amount of grading is necessary to construct the proposed dwelling.
- 2) Based on information provided by the Calvert County Department of Planning and Zoning, the property can be accessed from Gun Road, along the eastern property boundary. We understand that Gun Road currently provides access for most lots in this portion of the Chesapeake Ranch Estates subdivision. Disturbance to steep slopes and clearing required for development of the property would be substantially reduced by reconfiguring the lot access and driveway from Rousby Hall Road to Gun Road. We recommend that the applicant investigate alternative configurations for development of the property, demonstrating that disturbance within the Critical Area has been minimized to the extent possible.

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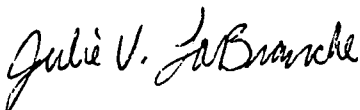
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Roxana L. Whitt
Variance 2003-2887 Ibell Enterprises
February 25, 2003
Page 2

- 3) As proposed, mitigation at a ratio of 3:1 for disturbance outside the Buffer should be required for clearing in excess of 30 percent of the property (Calvert County Zoning Ordinance Article 4, Section 4-8.07). Mitigation opportunities will be limited since the lot is fully forested and therefore mitigation alternatives should be addressed. It appears that some mitigation plantings can be accommodated within the areas disturbed during construction (septic field and graded areas).
- 4) Stormwater should be directed to stable vegetated outfalls, avoiding discharge near steep slopes on the property. Appropriate best management practices should be utilized to prevent erosion of steep slopes and provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: CA 39-03, revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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February 25, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2889, Dunlap/Preston Office Complex

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to exceed the 15 percent impervious surface limits and the nontidal wetland buffer requirements for construction an office complex. Approximately 0.112 acres of this 4.18 acre property is within the Critical Area. The Critical Area portion of the property is designated a Limited Development Area (LDA) and is currently undeveloped. Since the nontidal wetlands are located outside the Critical Area, we have no comments regarding the variance request for the nontidal wetlands buffer requirements.

However, we oppose this variance to exceed the impervious surface limits within the Critical Area. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, approximately 0.53 acres of impervious surface coverage is proposed, comprising 47 percent of the 0.112 acres within the Critical Area. As required by the Calvert County Zoning Ordinance (Article 4, Section 4-8.07), the maximum impervious surface coverage allowed in a LDA is 15 percent of the property. We would not support a variance to exceed the maximum allowable impervious surface limits within the Critical Area when alternatives exist on the site and disturbance within the Critical Area has not been minimized to the extent possible.
- 2) This variance is needed to construct seven parking spaces within the Critical Area portion of the property. On this 4.02 acre parcel, it seems feasible that certain elements of the site plan (buildings, walkways and other parking areas) could be reconfigured to accommodate the desired development and meet the impervious surface limits within the Critical Area.

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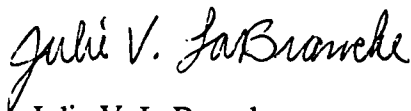
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Roxana L. Whitt
Variance 2003-2889, Dunlap/Preston Office Complex
February 25, 2003
Page 2

- 3) If the applicant wishes to pursue the current proposal, growth allocation could be requested from the County to change the designation of the Critical Area portion of the property from a Limited Development Area (LDA) to an Intensely Developed Area (IDA). Providing that 10 % pollutant reduction and all other development requirements are satisfied on the site, impervious surface coverage is not limited in an IDA and therefore a variance would not be required.
- 4) We recommend that the applicant investigate the alternatives available to achieve the proposed development that comply with the provisions for development within the Critical Area and eliminate the need for a variance to the impervious surface limits.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 114-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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February 25, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0588, Milton Horn

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, porch, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues regarding the current development plan should be addressed.

- 1) A significant area of grading is proposed along the west side of the property adjacent to the nontidal wetland buffer. Due to the proximity of the nontidal wetlands and wetland buffer, we recommend that the minimum amount of grading and clearing be allowed for installation of the septic system and that the limits of disturbance be reduced to minimize disturbance to steep slopes. In addition, we recommend that super-silt fence be installed along the limits of disturbance to protect the adjacent nontidal wetlands and wetland buffer during construction.
- 2) Because clearing in excess of 30 percent is proposed, mitigation at a ratio of 3:1 for disturbance within the Critical Area should be required (Anne Arundel County Zoning Ordinance, Article 28, §1A-104). Because the site is largely forested, mitigation alternatives will need to be addressed. It appears that some mitigation plantings can be accommodated on the site. We recommend that mitigation plantings be first directed to non-forested areas within the Buffer, to supplement plantings proposed in the Buffer for stormwater management. Mitigation plantings can also be utilized to stabilize disturbed areas following construction, including the temporary stock pile area and areas where grading is proposed on steep slopes.

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Ramona Plociennik
Variance 2002-0588, Milton Horn
February 25, 2003
Page 2

- 3) Stormwater should be directed to a stable, vegetated outfall, avoiding discharge near steep slopes on the property. Mitigation plantings can be used to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resources Planner

cc: AA 103-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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February 24, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2893, Yates

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to construct a dwelling addition with disturbance to slopes of 15 percent or greater. The property is designated a Limited Development Area (LDA) and is currently developed with a house and septic system.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the site plan provided, construction of the dwelling addition will result in disturbance to slopes of 25 percent or greater. In order to provide additional protection to steep slopes, we recommend that super-silt fence be installed around the limits of disturbance and the use of heavy equipment be limited to the minimum necessary. Mitigation plantings can be used to revegetate disturbed areas following construction.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs and groundcover.
- 3) Stormwater should be directed to a stable vegetated outfall, avoiding discharge to steep slopes on the property. Mitigation plantings can be utilized to provide water quality benefits, facilitate infiltration of stormwater on the site, and prevent erosion of steep slopes.

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Roxana L. Whitt
Variance 2003-2893, Yates
February 24, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: CA 120-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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February 24, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2890, Menfi

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to construct a single-family dwelling and septic system with disturbance to slopes of 15 percent or greater. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed regarding the current development proposal.

- 1) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the property is heavily forested, mitigation alternatives should be addressed. Mitigation plantings can be used to re-vegetate disturbed areas on the site following construction
- 2) Stormwater should be directed to a stable vegetated outfall, avoiding discharge to steep slopes on the property. Mitigation plantings can be utilized to provide water quality benefits, facilitate infiltration of stormwater on the site, and prevent erosion of steep slopes.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: CA 119-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
Executive Director

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February 24, 2003

Pam Miley
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0543, Walter Petrie (Parcel 239, Lot 2)

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling with less setbacks and Buffer than required. The property is designated a Resource Conservation Area (RCA) and is currently developed with a dwelling and shed. We received a revised site plan on Friday, February 19, 2003.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current redevelopment proposal.

- 1) The site plan has been revised to include an alternative configuration for the proposed development, which demonstrates that disturbance to steep slopes within the Critical Area has been minimized. Reducing the driveway area and reconfiguring the house and septic field minimized disturbance within the expanded Buffer. In addition, impervious surface coverage was reduced by approximately 210 square feet and a portion of the garage has been relocated within the footprint of the existing dwelling on the property.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the site is heavily forested, mitigation alternatives will need to be addressed. We recommend that some mitigation plantings be located on the property, between the dwelling and the top of steep slopes. These plantings will promote infiltration of stormwater and stabilize the soil, which will help to prevent erosion of these areas over time.

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Pam Miley
Variance 2002-0543, Walter Petrie
February 24, 2003
Page 2

- 3) Stormwater should be directed to a stable vegetated outfall on the property to provide water quality benefits on the site. Stormwater discharge should be directed away from steep slopes, which are extensive on the property, and appropriate stormwater best management practices should be implemented to prevent erosion during and following development.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Michael Drum (Drum, Loyka & Associates, LLC)

AA 47-03, revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 24, 2003

Pam Miley
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0542, Walter Petrie (Parcel 239, Lot 1)

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped. We received a revised site plan on Friday, February 19, 2003.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the revised site plan, we have the following comments.

- 1) The site plan has been revised to include an alternative configuration for the proposed development, which demonstrates that disturbance to steep slopes within the Critical Area has been minimized. Disturbance has been minimized by approximately 349 square feet by reducing the driveway area and reconfiguring the house and septic field.
- 2) As required by the Anne Arundel County Zoning Ordinance (Article 28, §1A-103), disturbance to steep slopes within the Critical Area must be minimized to the greatest extent possible for installation of the septic effluent line. All disturbed areas resulting from this installation must be reestablished in vegetation after construction.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the site is heavily forested, mitigation alternatives will need to be addressed. We recommend that some mitigation plantings be located on the property, between the dwelling and the top of steep slopes. These plantings will promote infiltration of stormwater and stabilize the soil, which will help to prevent erosion of these areas over time.

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Pam Miley
Variance 2003-0542, Walter Petrie
February 24, 2003
Page 2

- 3) Stormwater should be directed to a stable vegetated outfall on the property to provide water quality benefits on the site. Stormwater discharge should be directed away from steep slopes, which are extensive on the property, and appropriate stormwater best management practices should be implemented to prevent erosion during and following development.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Michael Drum (Drum Loyka & Associates, LLC)

AA 46-03, revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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February 21, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0581

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. In order to further minimize disturbances, we recommend that the use of heavy equipment on steep slopes be limited to the minimum necessary for construction. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings could be accommodated on the site. We recommend that plantings consists of a mix of native species of trees, shrubs and ground cover. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site. The applicant should be aware that, as a result of the proposed development, impervious surface coverage would be increased to 15 square feet below the maximum allowable for the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 98-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 13, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0583, Michael Dimon

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to enlarge an existing garage with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, deck, porch, pier, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we understand that no existing vegetation will be removed and no grading is necessary for this project. The garage addition is proposed on an existing gravel area and will increase the existing impervious surface coverage on the property by 24 square feet. The applicant has stated that 24 square feet of existing impervious surface will be removed and established in vegetation. Therefore, mitigation for this project is not required. Storm water runoff from the new structure should discharge to a stable outfall with vegetative stabilization to provide water quality benefits.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resources Planner

cc: AA 219-02, revised

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Ren Serey
Executive Director

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February 13, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0009, Johnson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the dwelling addition (porch). All disturbed areas must be re-vegetated following completion of construction. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that a mix of native species of trees, shrubs and groundcover be used for mitigation plantings. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 110-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Ren Serey
Executive Director

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February 12, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0592, Fransen

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a small driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that steep slopes are not present on the property. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that a mix of native species of trees, shrubs and groundcover be used for mitigation plantings. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 107-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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February 12, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0589, Russell

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, shed, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the dwelling addition and that impervious surface coverage will be increased from 2,683 square feet to 3,165 square feet on the property. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We recommend that a mix of native species of trees, shrubs and groundcover be used for mitigation plantings. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 104-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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February 12, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0584, Kevin McNamee

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, shed, porch, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the dwelling addition and that impervious surface coverage will not be increased on the property. All areas disturbed during construction should be re-vegetated following completion of the project. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 100-03

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(410) 822-9047 Fax: (410) 820-5093

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Ren Serey
Executive Director

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February 12, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0010, Richard Hendrickson

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, shed, gazebo, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the dwelling addition and that impervious surface coverage on the property will be reduced from 6,336.5 square feet to 6,237 square feet with the removal of several structures (shed, gravel area, brick walk, and a portion of parking area). Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We recommend that a mix of native species of trees, shrubs and groundcover be used for mitigation plantings and that plantings be first directed to non-forested areas within the Buffer. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 111-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

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February 12, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0582, Anthony Decker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, it appears that sufficient area exists on the property to locate the accessory structure (an 80 square foot shed) within the required building restriction lines for the property. The applicant might investigate an alternative location for the shed, which may eliminate the need for a variance. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We recommend that mitigation plantings consist of a mix of native species of trees, shrubs and groundcover and be first directed to non-forested areas within the Buffer. Stormwater should be directed to a stable vegetated outfall on the property to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 99-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Ren Serey
Executive Director

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February 11, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0548, Irons

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required, and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck and driveway. The entire property is located within the expanded Critical Area Buffer, due to the presence of steep slopes.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the dwelling addition. Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. Because the site fully forested, mitigation alternatives will need to be addressed. Stormwater should be directed to a stable, vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 49-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

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February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0520, David Shanahan

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a house and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance request. However, several issues must be addressed regarding the current development proposal.

- 1) The 100-foot is not shown on the site plan provided. Also, the limits of disturbance for all proposed construction should be shown clearly on the site plan. This information is needed in order to determine the required mitigation.
- 2) The Critical Area report provided by the applicant states that a 10 foot wetland variance is needed. There are no wetlands identified on the site plan. All wetlands present on the property must be identified, and designated tidal or nontidal, on a revised site plan.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. Plantings should be first directed to non-forested areas within the Buffer, and consist of a mix of native species of trees, shrubs and ground cover.
- 4) Stormwater should be directed to a stable vegetated outfall on the property, avoiding discharge near sensitive areas such as steep slopes and wetlands.


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Ramona Plociennik
Variance 2002-0520, David Shanahan
February 3, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 77-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0517 and 2002-0518, Weston Builders & Developers

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing these lots are properly grandfathered, we would not oppose these variance requests. It appears that the current development plan has minimized disturbance within the Buffer to the extent possible. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Because the site is heavily forested, mitigation alternatives will need to be addressed. Stormwater should be directed to stable vegetated outfalls on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for these variances. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 76-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0514, Raymond Hilliss

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area. The property is currently developed with a house, deck, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues regarding the current development proposal should be addressed.

- 1) The property is currently non-conforming with respect to impervious surface coverage. The existing impervious surface coverage is 2,098 square feet, with the maximum allowable being 1,807 square feet.
- 2) It is not clear whether the areas beneath the existing decks are pervious or impervious. The proposed enclosure for the deck on the front of the dwelling is considered an impervious surface. If the area beneath the deck is currently pervious, the enclosure would result in an increase in impervious surface coverage on the property of 240 square feet (total of 531 square feet in excess of the allowable limits). The applicant should clarify whether the area beneath the existing decks is pervious or impervious.
- 3) As required by the Anne Arundel County Zoning Ordinance (Article 5, §1A-105), it appears that the applicant may need an impervious surface variance. We would oppose an increase in impervious surface coverage on the property, when existing impervious could be removed to compensate for the desired improvements. We recommend that the applicant investigate alternative proposals and provide a revised site plan to this office for review and comment, addressing the issues stated above.
- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings could be accommodated on the property. We recommend that plantings consists of a mix of native species of trees, shrubs and ground cover.

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Ramona Plociennik
Variance 2002-0514, Raymond Hilliss
February 4, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 74-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0521, Jerry Hodges

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exemption Area (BEA). The property is currently developed with a house, driveway and shed.

Providing this lot is properly grandfathered, we would not oppose this variance. We have the following comments regarding the current development proposal.

- 1) Based on the narrative statement provided, the applicant proposes to exceed the impervious surface limits for this property by 69.24 square feet. As stated by the applicant, it is possible that an equivalent area of existing impervious surface on the property could be removed from the driveway or the area of the dwelling addition could be minimized to offset the additional impervious surface proposed.
- 2) As required by the Anne Arundel County Zoning Ordinance (Article 5, §1A-105), it appears that the applicant will need an impervious surface variance. We would oppose an increase in impervious surface coverage when alternatives exist on the property. The applicant should investigate alternative proposals and provide a revised site plan to this office for review and comment.
- 3) Mitigation, at a ratio of 2:1 for disturbance within the buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs and ground cover.
- 4) Storm water should outfall to stable vegetated areas on the property to provide water quality benefits. Mitigation plantings can be used to provide additional water quality benefits.

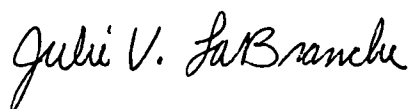
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Ramona Plociennik
Variance 2002-0521, Jerry Hodges
February 4, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 79-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0559, Ann Stewart

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, sunroom, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the dwelling addition. Because the dwelling addition will replace an existing enclosed structure, impervious surface coverage will not be increased on the property. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 55-03

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(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0547, Penny Dennis

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no additional impervious surface will result from construction of the dwelling addition. All areas disturbed during construction should replanted following completion of the project.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 48-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Ren Serey
Executive Director

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February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0574, Michael and Susan Ratrie

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, shed, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the garage. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because this property is designated an IDA, water quality improvements must be provided on the site. Pollution reductions can be achieved through the utilization of stormwater best management practices or with plantings. Mitigation plantings can be used for this purpose.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 61-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0539, Thomas Rosato

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, shed and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs, and groundcover. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 84-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0556, Robert Sikes/Hillcreek LLC

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a buffer Exempt Area (BEA). The property is currently developed with a house and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the proposed deck. The deck should be constructed of pervious materials, with a gravel substrate and vegetative stabilization on the downslope end. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that plantings be directed first to nonforested areas within the Buffer, and consist of a mix of native species of trees, shrubs and ground cover. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 53-03

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(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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February 4, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0560, John & Rhonda Griffith

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, garage, and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is necessary for reconstruction and expansion of the garage and proposed impervious surface coverage will comply the maximum allowable of 5,445 square feet. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs, and ground cover. Stormwater should be directed to a stable, vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 56-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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January 31, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0542, Walter Petrie

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose construction of a dwelling on the property. However, several issues regarding the current proposal should be addressed.

- 1) Based on the site plan provided, a portion of the dwelling and garage are located within the 25 foot buffer to steep slopes. It appears that disturbance within this buffer could be eliminated by reducing the area of the proposed circular driveway. The driveway could be reconfigured, allowing for the dwelling and garage to be relocated outside the buffer to steep slopes. We recommend that the applicant investigate alternative configurations for the proposed structures and provide a revised site plan, demonstrating that disturbance within the buffer to steep slopes has been minimized.
- 2) As required by the Anne Arundel County Zoning Ordinance (Article 28, §1A-103), disturbance to steep slopes within the Critical Area must be minimized to the greatest extent possible for installation of the septic effluent line. All disturbed areas resulting from this installation must be reestablished in vegetation after construction.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the site is heavily forested, mitigation alternatives will need to be addressed. We recommend that some mitigation plantings be located on the property, between the dwelling and the top

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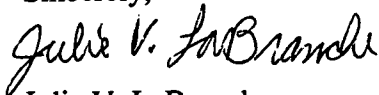
Ramona Plociennik
Variance 2003-0542, Walter Petrie
Janaury 31, 2003
Page 2

of steep slopes. These plantings will promote infiltration of stormwater and stabilize the soil, which will help to prevent erosion of these areas over time.

- 3) Stormwater should be directed to a stable vegetated outfall on the property to provide water quality benefits on the site. Stormwater discharge should be directed away from steep slopes, which are extensive on the property, and appropriate stormwater best management practices should be implemented to prevent erosion during and following development.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Michael Drum (Drum Loyka Associates, LLC)

AA 46-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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January 31, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0533, John Hollenbach

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, garage, deck, shed and driveway.

Providing this lot is properly grandfathered, we would not oppose this variance. Because this property is designated an IDA, water quality improvements must be provided to offset the proposed development. Pollutant reductions can be achieved by the utilization of stormwater best management practices or with plantings. Mitigation plantings can be used for this purpose. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Stormwater should be directed to a stable vegetated outfall on the property, to provide additional water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 83-03

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Chairman



Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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January 31, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0532, David Degrange

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct an accessory structure with greater impervious coverage than allowed. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, patio, accessory structure, walkway, and driveway.

As proposed, we would oppose this variance to exceed the impervious coverage allowed in the Critical Area. We have addressed below our concerns regarding the current development proposal.

- 1) Based on the site plan provided, it appears that the desired improvements can be achieved while complying with the impervious surface limits in the Critical Area, as required by the Anne Arundel County Zoning Ordinance (Article 5, §1A-105). The maximum allowable impervious surface area for this property is 5,625 square feet. The current development proposal will result in 5,880 square feet of impervious surface area, exceeding the impervious surface limits by 255 square feet. To offset the excess impervious surface proposed (for construction of a detached garage and driveway expansion), it appears that 255 square feet of existing impervious surface could be removed from the property. For example, the area of the patio and the existing driveway could be reduced, or the size of the proposed garage or driveway expansion could be minimized. We would not support a variance to exceed the required impervious surface limits when alternative development configurations exist and the applicant retains reasonable use of the property.
- 3) We recommend that the applicant investigate alternative development proposals, which may eliminate the need for a variance. The applicant should provide this office with a revised site plan for review and comment.

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Ramona Plociennik
Variance 2003-0532, David Degrange
January 31, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: AA 82-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

January 27, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2849, Martin

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to construct a dwelling addition within the expanded Buffer and to increase impervious surface coverage on the site. The property is designated a Resource Conservation Area (RCA) and is currently developed with a dwelling, garage, driveway, and several accessory structures (gazebo and shed).

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed regarding the current development proposal.

- 1) Currently, this property is nonconforming with respect to the maximum impervious surface coverage allowed (15 percent or 3,755 square feet). Based on the information provided, the applicant proposes to increase the impervious surface coverage on the lot from 19 percent (4,928 square feet) to 23 percent (5,760 square feet). We would not support a variance to further exceed the maximum allowable impervious surface coverage on this lot. It appears that some areas of existing impervious surface could be removed in order to offset the desired improvements. For example, the driveway and water access areas could be reduced in size.
- 2) The site plan provided indicates that no forest clearing is proposed. However, the limits of disturbance extend within forested areas identified on the site plan. The applicant should provide a revised site plan, which shows all clearing proposed as well as calculations of this area for the purpose of determining mitigation requirements.
- 3) Mitigation for disturbance within the expanded Buffer should be required. The mitigation requirement will be determined based on the information requested above. It appears that much of the lot is forested, and therefore mitigation alternatives should be addressed.

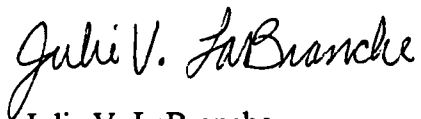
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Roxana L. Whitt
Variance 2003-2849, Martin
January 27, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 38-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

January 27, 2003

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 2003-2887 Ibell Enterprises

Dear Ms. Whitt:

Thank you for providing information on the above referenced development project. The applicant is requesting a variance to construct a single-family dwelling and septic system with disturbance to slopes of 15 percent or greater. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed regarding the current development proposal.

- 1) Based on the information provided, approximately 51 percent (12,543 square feet) of the lot will be disturbed for construction. It appears that extensive grading is proposed on the south side of the lot. We recommend that the applicant clarify why this amount of grading is necessary to construct the proposed dwelling.
- 2) As stated in the site plan notes, the development plan for Lot 21 includes disturbed and cleared areas associated with future development proposed on Lot 22. The total area of disturbance on Lot 21 should be considered as part of this variance request. Particularly, these calculations are needed to determine the mitigation and water quality improvement requirements for the proposed development on Lot 21.
- 3) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Since the lot is fully forested, mitigation alternatives should be addressed.
- 4) Because this property is an IDA, water quality improvements must be provided. Pollutant removal can be achieved by implementing stormwater best management practices or by developing a planting plan for the site. Any method chosen should be designed to work with existing hydrologic and topographic conditions of the site to provide water quality benefits.

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Roxana L. Whitt
Variance 2003-2887 Ibell Enterprises
January 27, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 39-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 29, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0565, Mary Carroll Lee

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a building addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a commercial business.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed and impervious surface coverage will not increase as a result of the proposed building addition. The applicant has proposed a bio-retention area to treat stormwater runoff and provide water quality improvements on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 58-03

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 30, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0543, Walter Petrie

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling with less setbacks and Buffer than required. The property is designated a Resource Conservation Area (RCA) and is currently developed with a dwelling and shed.

Based on the information provided, we are unable to complete our review of this variance request and offer the following comments regarding the current redevelopment proposal.

- 1) The site plan does not include calculations of the existing forest cover, proposed clearing, and disturbed area within and outside the expanded Buffer. These calculations are required to determine the appropriate mitigation for this case and to complete our review of this variance request.
- 2) We recommend that the applicant provide a revised site plan, which addresses the information requested above and demonstrates that disturbance within the Critical Area has been minimized to the extent possible. A copy of the revised site plan should be provided to this office for review and comment.

In conclusion, it appears that the current development proposal does not minimize disturbance within the Critical Area, as required by the Anne Arundel County Zoning Ordinance (Article 28, §1A-103 and §1A-104). A new dwelling is proposed within the expanded Buffer, replacing the existing dwelling, which is located outside the expanded Buffer. On this 2.84 acre property, there appears to be sufficient area in which development

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Ramona Plociennik
Variance 2002-0543, Walter Petrie
January 30, 2003
Page 2

could be accommodated with less disturbance to sensitive features within the Critical Area, including the expanded Buffer and riparian habitat. For example, the new dwelling and garage could be located outside the expanded Buffer, if the substantial driveway proposed were reduced in size. We would not support a variance for new development in the expanded Buffer, when feasible development alternatives exist on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Michael Drum (Drum, Loyka Associates, LLC)

AA 47-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 30, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 03-03, Robert Nelson Family

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting to construct a dwelling within the 100-foot Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, and shed.

Based on the information provided, we would not oppose this variance. However, several issues should be addressed.

- 1) The 100-foot Buffer is not shown on the site plan.
- 2) The information provided by the applicant does not include calculations of the existing and proposed impervious surface coverage on the lot. As required by the Kent County Zoning Ordinance [Article 5, Section 5.B.(7)(c)], the maximum allowable impervious surface coverage for this lot (0.275 acres) is 31.25 percent or 3,743.4 square feet. In addition, a driveway is not shown on the site plan. If the driveway is composed of impervious surface, the area of the driveway must be included in the impervious surface calculations.
- 3) We understand that the existing dwelling will be removed and a new dwelling constructed on the property. We recommend that the new dwelling be relocated approximately 6 feet toward Belchester Road in order to maximize the setback within the Buffer. This will also reduce the amount of mitigation required for redevelopment of the property.
- 4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation can be accommodated on the property. Mitigation plantings should be directed first to non-forested areas within the Buffer and consist of a mix of native vegetation to provide canopy, understory and groundcover.
- 5) Stormwater runoff should be directed to stable vegetated outfalls on the property. Mitigation plantings can be used for treatment of stormwater runoff to provide water quality benefits.
- 6) The applicant should provide a revised site plan, addressing the information requested above.

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Amy Moredock
Variance 03-03, Robert Nelson Family
January 30, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 86-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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January 30, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 03-04, Opengart/Brown

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting to replace a failing septic system within the 100-foot Buffer and expanded Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, walkway and driveway.

Based on the information provided, we would not oppose this variance. However, several issues should be addressed regarding the current proposal.

- 1) The 100-foot buffer is shown incorrectly on the site plan. The Buffer must be measured 100-feet from the edge of mean high water (from the wooden bulkhead along the cove, as shown on the site plan).
- 2) Disturbed areas within the Buffer and expanded Buffer should be minimized to the extent possible, and must be reestablished in vegetation, following installation of the replacement septic system.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and expanded Buffer, should be required. Mitigation plantings should be directed to non-forested areas within the Buffer and expanded Buffer and consist of a mix of native species.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: KC 69-03

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Chairman



Ren Serey
Executive Director

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January 28, 2003

Cliff Houston
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Rezoning of the Sandy Hill Holdings, LLC

Dear Mr. Houston:

Thank you for providing information on the above referenced request for rezoning. The purpose of this letter is to address several issues regarding Commission approval of this case.

- 1) The applicant is requesting a change in the Critical Area designation (overlay zoning) for the property of Sandy Hill Holdings, LLC on the basis that there was a mistake in the original Critical Area mapping. This request for rezoning will change the designation of approximately 9 acres of the property from Resource Conservation Area (RCA) to Limited Development Area (LDA), and a small area (of undetermined size) from Limited Development Area (LDA) to Resource Conservation Area (RCA). The change is proposed on the basis that the original Critical Area mapping did not accurately represent the developed and actively used areas of the camp.

A local government's approval of a request for change in Critical Area designation based on mistake is guided by findings established by recent case law, the *Bellanca* decision (a copy of this document is attached). This case established that strong and compelling evidence must be presented in order to prove a mistake in the designation of a parcel or lot in the Critical Area, based on the "applicable standards, criteria, and policies developed by the Commission". Under *Bellanca*, a local government should make findings that demonstrate that the parcel or lot had the characteristics of the proposed designation since the time of original mapping (April 1, 1985), and that a mistake was made, for example, through a drafting error, insufficient evaluation, or lack of site specific information, etc. Attached is a copy of the definitions for Limited Development Areas (from COMAR 27.01.02.04.A.1-4, page 15-16) and Resource Conservation Areas (COMAR 27.01.02.05.A1-2, page 20).

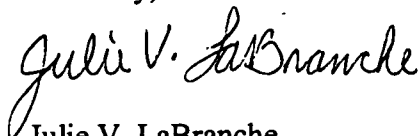
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- 2) The applicant (Sandy Hill, LLC) has requested that this case be presented to the Commission for approval at the next Commission meeting on Wednesday, February 5, 2003. As you may be aware, Governor Ehrlich relieved Judge John C. North II of his duties as Chairman of the Critical Area Commission, commencing Wednesday, January 15, 2003. At this time, the Critical Area Commission does not have an appointed Chairman. As required by Natural Resources Article §8-1809(n), any changes proposed to local Critical programs in the absence of an appointed Chairman must be processed as program amendments. The procedural process for Program amendments require that a public hearing be conducted and a Commission panel be appointed to review and make recommendations to the Commission. We have placed this case on the agenda for the next Commission meeting for review by the Program Subcommittee, however the Commission will not make a final determination in this case at the February 5, 2003 meeting.

Please provide us with a copy of the County Commissioners findings if the mapping mistake is approved, and include this letter in your file and submit it as part of the record for this rezoning request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Greg Joseph (Sandy Hill, LLC)
Rob Jones (Frederick Ward Associates, Inc.)
Mary Owens (Critical Area Commission)

CE 705-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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January 24, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0515, Centenary Methodist Church

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped. Based on the information provided, we understand that County sewer service will be extended to this property.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The environmental report by Cattail Consulting states that "only the minimum necessary for construction will be disturbed and the remainder of the lot will be protected". What manner of protection for the remainder of the lot does this statement refer to? For example, has an easement or other restrictive covenant been proposed? Given that area outside the limits of disturbance is a nontidal wetland, we recommend that the existing natural vegetation be retained in order to protect water quality and the function of the wetland.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the lot is fully forested, mitigation alternatives will need to be addressed.
- 3) The entire area of Lots 33 and 34 consists of a nontidal wetland and nontidal wetland buffer. A stormwater best management practice, appropriate for wet conditions, should be utilized to provide water quality benefits and protection for the wetlands on and adjacent to the property.
- 4) Prior to construction, the applicant must secure the required authorizations from the Department of the Environment for the proposed disturbance to the nontidal wetland and nontidal wetland buffer on the property.

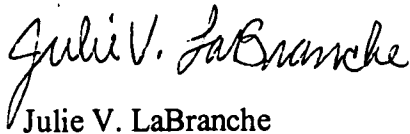
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Ramona Plociennik
Variance 2002-0515, Centenary Methodist Church
January 24, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 62-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 24, 2003

Jodee Cangialosi
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Minor Subdivision, Estate of Mary Parker (Tax Map 60, Block 7/13, Parcel 1)

Dear Ms. Cangialosi:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide an 11.2252 acre parcel to create a 7.6853 acre lot and 3.5399 acres of "remaining lands". The property has a split designation of Limited Development Area (LDA) and Resource Conservation Area, and is a Buffer Exempt Area. The property is currently developed with a single-family dwelling.

Based on the information provided, we have the following comments regarding this subdivision proposal.

- 1) The applicant has proposed a single-family dwelling on Lot 1. Since this lot is fully forested, clearing will be necessary. However, the site plan does not identify the limits of disturbance for construction of the dwelling and the septic system. To the extent possible, forest clearing should be limited to those areas outside of the Habit Protection Area identified on Lot 1. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Although some plantings may be accommodated on the site, it appears that mitigation alternatives will need to be addressed.
- 2) As stated in a letter of June 13, 2001 from the Department of Natural Resources, the property contains potential Forest Interior Dwelling (FID) habitat. Clearing and other disturbance to FID habitat should not take place from May 1st to August 31st of any year. It appears that the proposed development will minimize disturbance to FID habitat by concentrating the development footprint close to the existing road.
- 3) If the "remaining lands of the Mary Parker Estate" has a parcel or lot designation, this should be noted on the final record plat for the subdivision.

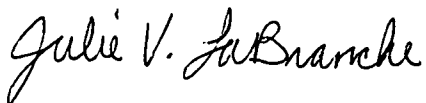
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Jodee Cangialosi
Minor Subdivision, Estate of Mary Parker
January 24, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CE 628-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 24, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0498, Donna Barker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped. Based on the information provided, we understand that County sewer service will be extended to this property.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The environmental report by Cattail Consulting states that "only the minimum necessary for construction will be disturbed and the remainder of Lots 31 and 32 will be protected". What manner of protection for the remainder of the lot does this statement refer to? For example, has an easement or other restrictive covenant been proposed? Given that area outside the limits of disturbance is a nontidal wetland, we recommend that the existing natural vegetation be retained in order to protect water quality and the function of the wetland.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the lot is fully forested, mitigation alternatives will need to be addressed.
- 3) The entire area of Lots 31 and 32 consists of a nontidal wetland and tidal wetland buffer. A stormwater best management practice, appropriate for wet conditions, should be utilized to provide water quality benefits and protection for the wetlands on and adjacent to the property.
- 4) Prior to construction, the applicant must secure the required authorizations from the Department of the Environment for the proposed disturbance to the nontidal wetland and nontidal wetland buffer on the property.

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Ramona Plociennik
Variance 2002-0498, Donna Barker
January 24, 2003
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: AA 9-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401

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January 16, 2003

Bob Royer
Site Resources, Inc.
14307 Jarrettsville Pike
Phoenix, Maryland 21131

Re: Development Plan for Perry Point VA Medical Center

Dear Mr. Royer:

Thank you for providing information on the above referenced development project. The Perry Point VA Medical Center proposes to remove an existing building and parking area, and to construct an additional building elsewhere on the property. The entire project is located within the Critical Area.

Based on the information provided, it appears that this project is consistent with the State Critical Area provisions for development. We understand that the proposed development will result in a reduction in impervious surface coverage on the site. If any Habitat Protection Areas will be impacted by this project, these impacts will need to be described and identified on the site plan. Habitat Protection Areas include the 100-foot Buffer, wetlands, threatened and endangered species, species in need of conservation, and plant and wildlife habitat. Mitigation, at a ratio of 1:1, should be provided for any clearing proposed outside the 100-foot Critical Area Buffer. Development of a planting plan should be coordinated with Commission staff. If mitigation is necessary, we recommend that a mix of native species be used, and that plantings be directed first to non-forested areas of the Buffer on the site. Mitigation plantings can also be used to provide water quality benefits within the Critical Area, including the treatment of stormwater.

Thank you for the opportunity to review this project and provide comments. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: Elder Ghigiarelli (Department of the Environment)
Mary Anne Skilling (Department of Planning)

FED 56-02

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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January 16, 2003

Kathleen Shatt
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0446, Thomas Bedard
(Tax Map 57, Block 10, Parcel 0029, Lot 40R)

Dear Ms. Shatt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling and pool with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house, deck, shed and driveway. The entire property is within the 100-foot Critical Area Buffer. We received a revised site plan from the applicant on January 16, 2003.

A variance was granted on July 12, 2002 to replace the existing dwelling on this property. The Hearing Officer attached several conditions to this variance decision, which included the following: there shall be no disturbance to tidal wetlands; the project may not exceed the limits of disturbance defined on the site plan; there shall be no net increase in impervious coverage; there shall be no expansion of the dwelling beyond the perimeter footprint depicted on the site plan; and the project shall employ super silt fencing. This variance decision was amended on July 17, 2002, requiring that the dwelling may not exceed the limits of disturbance defined on the site plan, but that the existing paving may be removed and the driveway relocated to increase the setback from the tidal wetlands [based on a revised site plan provided by the applicant on July 17, 2002].

Providing this lot is properly grandfathered, we would not oppose improvements to the property. However, several issues should be addressed regarding the current development proposal. The limits of disturbance for the proposed construction are not defined on the revised site plan of January 16, 2003. We recommend that the limits of disturbance be reduced to the extent possible to minimize impacts within the Buffer. Also, we concur with the Hearing Officer's previous condition that a super-silt fence should be installed along the perimeter to further minimize disturbance to the Buffer. We recognize the applicant's efforts to reduce the existing impervious surface coverage on the property, as shown on the revised site plan.

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Kathleen Shatt
Variance 2002-0446, Thomas Bedard
January 16, 2003
Page 2

The current site plan shows a pool in the 100-foot Critical Area Buffer. The Commission does not support the placement of accessory structures, such as a pool, in the Buffer. As established by recent case law, to prohibit use of the Buffer to construct a pool would not result in an unwarranted hardship to the property owner, particularly when reasonable use of the property is demonstrated. Therefore, we would not support the construction of a pool in the Buffer.

As shown on the site plan, the proposed dwelling extends closer to the tidal wetlands than the existing dwelling. The proposed dwelling is located approximately 14 feet from the edge of tidal wetlands, as measured from the site plan. The Hearing Officer attached conditions to the previous variance decision, requiring that there shall be no disturbance to tidal wetlands. Therefore, the applicant should clarify whether disturbance to the tidal wetlands or clearing of vegetation adjacent to the tidal wetlands are proposed. We would not support this variance if impacts to tidal wetlands were proposed, since there appear to be alternative areas to develop on the property. For example, the footprint of the new dwelling could be expanded toward the road (East Lake Drive), allowing for the maximum setback from the edge of tidal wetlands. If impacts to tidal wetlands are proposed, the applicant must acquire the necessary authorizations from the Maryland Department of the Environment.

Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation planting should be first directed to non-forested areas of the Buffer, particularly areas adjacent to tidal wetlands and the shoreline. Plantings should consist of a mix of native species to establish canopy, understory and ground cover, which will provide habitat and water quality benefits in the Buffer. Stormwater from new structures should be directed to stable vegetated outfalls on the property, avoiding discharge to tidal wetlands. Mitigation plantings can be used to treat stormwater and provide water quality benefits.

We recommend that the applicant provide the additional information requested by this office for review and comment. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 33-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

January 13, 2003

William R. Watson
Town of Chesapeake Beach
8200 Bayside Road
Chesapeake Beach, Maryland 20732

Re: Chesapeake Beach Railway Trail

Dear Mr. Watson:

Thank you for providing information about the above referenced project. The Town of Chesapeake Beach has proposed construction of a public access trail along Fishing Creek. The trail consists of a wooden walkway located partially over open water and within the Critical Area. We have spoken previously about this project submittal and agreed that additional information was needed in order to complete our review of the proposal. We have not received any additional information at this time. I have summarized below the information requested, in addition to several outstanding issues identified for this project.

Based on the information provided, we have the following comments regarding this proposal.

- 1) In order to evaluate the proposed railway trail for consistency with the local Critical Area program, the site plan should include the following elements:
 - the 100-foot Critical Area Buffer,
 - identification and calculation of disturbance within the 100-foot Buffer (clearing, grading, impervious surface),
 - identification and calculation of existing and proposed impervious surface coverage within the project area, and
 - identification, ownership and Critical Area designation for all affected properties.

- 2) We received a letter of November 4, 2002 from the Department of Natural Resources confirming that Forest Interior Dwelling Bird (FID) habitat is present within the project area. Based on the revised site plan provided on November 28, 2002, Claudia Jones and I will calculate impacts to the forest interior, which we will use to determine the mitigation required for this project. We will provide this information to the Town shortly. In your last letter, you inquired if something could be done to facilitate our review of this project, with respect to FIDs. We have determined that the entire property is FIDs habitat, based on site visits and the information provided by the Department of Natural Resources.

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If the Town wishes to obtain an independent evaluation of the property, a FIDs survey would need to be conducted in the spring and a report of this evaluation provided for our review.

- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, 2:1 for disturbance within Buffer Exemption Areas, and 1:1 for disturbance outside the Buffer, will be required. Because this project will occur in several phases, we recommend that mitigation be performed concurrently with construction of Phase I and Phase II. Mitigation, for subsequent phases, can be addressed during the Commission's review and comment for the project. The Town should coordinate with Commission staff to develop a planting plan for the mitigation required for Phase I.
- 4) The Town submitted an application to the Department of the Environment and U.S. Army Corps of Engineers (copy signed August 30, 2002) for disturbance to tidal wetlands and Fishing Creek associated with construction of the railway trail. Please provide an update as to the status of this application.
- 5) As proposed, the railway trail will consist of a 10-foot wide wooden walkway. The Project Subcommittee reviewed this proposal and they recommended that the width of the walkway be reduced to 8 feet where it is located over tidal wetlands, open water, or within the 100-foot Buffer. The reduced width is recommended to minimize impacts associated with the project and to reduce the amount of mitigation required.
- 6) Since impacts to the Buffer are proposed, a conditional approval of this project by the Commission is needed. The Town should coordinate with Commission staff to provide the necessary information to present the project for review by the Program Subcommittee and the full Commission.
- 7) We recommend that the Town coordinate a meeting with Commission staff and other agency representatives to resolve outstanding issues and facilitate authorization of this project.

I will contact you regarding the next step in our review of this project, once we receive the additional information requested. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Robert Tabisz (Department of the Environment)
Mary Owens (Critical Area Commission)

(CA 614-02)

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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January 13, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0502, Clemens / Kline

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks and Buffer than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a house, walkways, and driveway. A variance was granted on April 22, 2002 for construction of a storage addition (5' x 16') to the existing dwelling. The variance request was modified, allowing for a smaller structure than originally proposed. The storage addition is shown on the site plan provided for the current variance request.

Providing this lot is properly grandfathered, we would not oppose a variance to improve the dwelling. However, several issues regarding the current development proposal should be addressed.

- 1) The current proposal includes extensive disturbance to steep slopes within the Critical Area. Specifically, the proposed screened porch, deck, and retaining wall are located on steep slopes (approximately 22 percent and greater). It is not clear what the purpose of the retaining wall is. The applicant should provide a description of the purpose of this structure, and whether it will be necessary to grade and fill behind the retaining wall.
- 2) The information provided by the applicant does not contain calculations of the disturbed area, as defined by the limits of disturbance on the site plan. This calculation is needed in order to determine the mitigation requirements for the proposed development. The applicant should provide this information.
- 3) Because the property is designated an IDA, water quality improvements must be provided on site. Pollutant reductions can be achieved through the implementation of stormwater best management practices or with plantings. Plantings should consist of a mix of native species appropriate for the conditions on site to provide water quality benefits.

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Ramona Plociennik
Variance 2002-00502, Clemens / Kline
January 13, 2003
Page 2

- 4) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation could be accommodated on the property.
- 5) Stormwater should be directed to a stable, vegetated outfall on the property, to provide water quality benefits. Outfalls should be located a sufficient distance from steep slopes to prevent erosion.
- 6) Overall, the current development proposal does not appear to demonstrate that disturbance within the Critical Area has been minimized. For example, the proposed addition might be located entirely over the existing dwelling, which would allow the deck and sunroom to be shifted northward toward Granada Road. This would help to reduce disturbance to steep slopes. We recommend that the applicant provide the additional information requested, and revise the site plan to reduce disturbance within the expanded Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 92-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

January 10, 2003

William R. Watson
Town of Chesapeake Beach
8200 Bayside Road
Chesapeake Beach, Maryland 20732

Re: Horizons on the Bay

Dear Mr. Watson:

Based on information from the Department of the Environment Joint Public Notice, we have been made aware that Ken Muller has applied for a tidal wetlands permit for improvements to the shoreline at Horizons on the Bay located in Chesapeake Beach. We understand that the proposed improvements include a pier and a covered platform. The site plans provided for the Joint Public Notice also show an 8-foot by 500-foot boardwalk landward of the existing stone revetment. Based on this information and our records, we have the following comments regarding the current proposal.

- 1) The Commission approved the Buffer Exemption Area (BEA) designation for the Horizons on the Bay project (for the Tidewater Homes property) on May 6, 1998. One of the five conditions of the Commission's approval was that development on the site would be in accordance with the final conceptual site plan prepared by Tidewater Homes, which the Commission received on April 16, 1998. Subsequent revisions to the final conceptual site plan include a boardwalk located parallel to the shoreline. In our letter of April 14, 2000 (see attached), Commission staff conveyed concerns of the Commission panel regarding the addition of a boardwalk to the revised site plan for Horizons on the Bay. Since the waterfront walkway was not a part of the plans approved by the Commission on May 6, 1998, a Critical Area variance would be needed if the property owner wishes to proceed with the current proposal.
- 2) The Commission's approval of the Horizons on the Bay development included the condition that "the extent of the parcel shoreward of the new development shall be required to remain, or shall be established and maintained, in natural vegetation". (Refer to condition #3 in the attached letter of May 13, 1998.) The location of the proposed boardwalk is within the area, shoreward of the Horizons on the Bay development, to be maintained in natural vegetation. Therefore, the proposed structure would not be permitted, except by variance.

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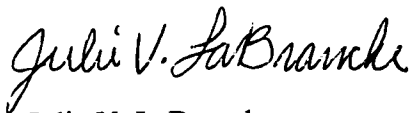
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William R. Watson
Horizons on the Bay
January 10, 2003
Page 2

- 3) As required by the Chesapeake Beach Zoning Ordinance (Article IV, Section 409(C)), new development in Buffer Exempt Areas shall minimize the shoreward extent of impervious surfaces insofar as possible, taking into consideration existing Town yard setback requirements (15 feet, in this case). In no case may impervious surfaces be extended shoreward of any setback line as defined by existing structures on adjacent lots or parcels. It appears that the proposed walkway extends shoreward of the setbacks established by development on adjacent lots or parcels. To the south, structures in the Baycrest subdivision (Tax Map 8, Block 10) are located approximately 25 feet from the shoreline. The BEA provisions will need to be addressed by the applicant.

We request that the Town forward to our office any requests for authorizations or variances associated with the proposed development at Horizons on the Bay. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Gary Setzer (Department of the Environment)

CB 59-97

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 10, 2003

Robert Tabisz
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Blvd.
Baltimore, Maryland 21230

Re: Project Number 200361080/03-WL-0943 Kenneth Muller-Horizons on the Bay

Dear Mr. Tabisz:

Based on information from the Department of the Environment Joint Public Notice, we have been made aware that Ken Muller has applied for a tidal wetlands permit for improvements to the shoreline at Horizons on the Bay in the Town of Chesapeake Beach. We understand that the proposed improvements include a pier and a covered platform. The site plans provided for the Joint Public Notice also show an 8-foot by 500-foot walkway, landward of the existing stone revetment and within the 100-foot Critical Area Buffer. Based on this information and our records for this project, we have the following comments regarding the current proposal.

- 1) A condition of the Commission's approval for Horizons on the Bay was that development on the site would be in accordance with the final conceptual site plan prepared by Tidewater Homes. Since the waterfront walkway was not a part of the final conceptual site plan approved by the Commission a Critical Area variance is needed if the property owner wishes to proceed with the current proposal.
- 2) The Commission's approval also included the condition that "the extent of the parcel shoreward of the new development shall be required to remain, or shall be established and maintained, in natural vegetation". The walkway is proposed within this area (shoreward of the Horizons on the Bay development), which is to be maintained in natural vegetation. Therefore, the proposed structure would not be permitted, except by variance.

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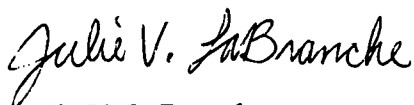
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Robert Tabisz
Project Number: 200361080/03-WL-0943
Kenneth Muller-Horizons on the Bay
January 10, 2003
Page 2

- 3) As required by the Chesapeake Beach Zoning Ordinance (Article IV, Section 409(C)), new development in Buffer Exempt Areas shall minimize the shoreward extent of impervious surfaces insofar as possible, taking into consideration existing Town yard setback requirements (15 feet, in this case). In no case may impervious surfaces be extended shoreward of any setback line as defined by existing structures on adjacent lots or parcels. It appears that the proposed walkway may not comply with the provisions for development in a Buffer Exempt Area.

We have requested that the Town forward to our office any requests for authorizations or variances associated with the proposed development at Horizons on the Bay. We are not aware that the applicant has applied for or received a variance for the proposed walkway. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

CB 59-97 MDE

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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January 8, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0447, Theresa Burr

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a building addition with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and a Buffer Exempt Area (BEA). The property is currently developed with a commercial marina and facilities.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The property is currently non-conforming with respect to impervious surface coverage limits for a Limited Development Area. The property has approximately 17,738 square feet or 88 percent impervious surface coverage.
- 2) Based on photographs of the site provided by the applicant, it appears that construction of the building addition has been completed. We understand that the building addition, which functions as a storage facility, was constructed over an existing impervious area consisting of a concrete pad, and therefore, mitigation is not required.
- 3) Stormwater from the building addition should be directed to a stable vegetated outfall on the property to provide water quality benefits on the site. A stormwater best management practice or plantings could be utilized to further improve water quality within the Critical Area Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads 'Julie V. LaBranche'.

Julie V. LaBranche
Natural Resource Planner

cc: AA 2-03

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Chairman



Ren Serey
Executive Director

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January 8, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0483, John Cheek

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a deck with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, patio, two sheds, walkways, and driveway.

Providing this lot is properly grandfathered, we would not oppose a variance to construct a deck. However, several issues should be addressed concerning the current proposal. Based on the site plan provided, the property owners have approximately 550 square feet of outdoor recreational space, including a large deck and patio area adjacent to the house. It appears that the desired improvements could be accommodated by expanding the existing deck, as opposed to constructing a new deck on (nearly vertical) steep slopes within the Buffer. We strongly recommend that the applicant explore alternative locations for the proposed deck to minimize disturbance within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: Michael Drum (Drum, Snell and Associates)

AA 4-03

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Chairman



Ren Serey
Executive Director

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January 7, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0499, Rodney Harris

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, driveway and shed.

Providing this lot is properly grandfathered, we would not oppose this variance. We estimate the total new impervious surface coverage proposed to be approximately 420 square feet, slightly more than the impervious surface coverage calculation provided by the applicant. The County should verify the area of impervious surface proposed for the purpose of determining the required mitigation. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native species, which provide canopy cover, understory and groundcover. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 10-03

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Ren Serey
Executive Director

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January 7, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0498, Donna Barker

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than required. The property is designated a Limited Development Area (LDA) and is currently undeveloped. Based on the information provided, we understand that County sewer service will be extended to this property.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The property contains habitat protection areas identified by the local Critical Area program, including the 100-foot Buffer, nontidal wetlands, and nontidal wetland buffers. As required by the Anne Arundel County Code (Article 28, §1A-103, Critical Area Criteria), disturbance to habitat protection areas must be minimized to the extent possible. The well is proposed at the back of Lot 33, within the nontidal wetland. The limits of disturbance for the well are within nine feet of the limits of tidal wetlands. Were alternative locations for the well considered by the applicant? It appears that relocating the well to the front or side of Lot 34 would reduce disturbance to the wetlands and the 100-foot Buffer. We recommend that the applicant submit a revised site plan, demonstrating that disturbance within the Critical Area has been minimized.
- 2) The environmental report by Cattail Consulting states that "only the minimum necessary for construction will be disturbed and the remainder of the lot will be protected". What manner of protection for the remainder of the lot does this statement refer to? For example, has an easement or other restrictive covenant been proposed?
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the lot is fully forested, mitigation alternatives will need to be addressed.

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Ramona Plociennik
Variance 2002-0498, Donna Barker
January 7, 2003
Page 2

- 4) The entire area of Lots 33 and 34 consists of a nontidal wetland and nontidal wetland buffer. A stormwater best management practice, appropriate for wet conditions, should be utilized to provide water quality benefits and protection for the wetlands on and adjacent to the property.
- 5) Prior to construction, the applicant must secure the required authorizations from the Department of the Environment for the proposed disturbance to the nontidal wetland and nontidal wetland buffer on the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 9-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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January 7, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0500, Lynn & Edward Pachico

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, driveway and shed.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the garage. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on site. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 11-03

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Ren Serey
Executive Director

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January 7, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0507, Jeannine Hendricks

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, driveway and shed.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that the proposed dwelling addition will be constructed over the existing dwelling and existing impervious surface. Therefore, mitigation is not required. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 15-03

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Chairman



Ren Serey
Executive Director

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January 7, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0485, Rosario Rizzo

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less Buffer and setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a house.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that no clearing is proposed for construction of the dwelling addition. Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. It appears that mitigation plantings can be accommodated on the site. Mitigation plantings should be directed first to non-forested areas within the Buffer. Mitigation plantings should consist of a mix of native species, which provide canopy cover, understory and groundcover. Stormwater should be directed to a stable vegetated outfall on the property, to provide water quality benefits.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 5-03

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Chairman



Ren Serey
Executive Director

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January 6, 2002

John Swartz
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Grading/Building Permit, Tom Parran (TM 35, Parcel 126, Lot 4R)

Dear Mr. Swartz:

Thank you for providing information on the above referenced permit application. The applicant is requesting a grading and building permit to construct a single-family dwelling within the Critical Area. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped. We received a revised sit plan on January 2, 2003.

Based on the new information provided, we have the following comments regarding this development proposal.

- 1) The 100-foot Buffer, as shown on the revised site plan, has been expanded for the presence of steep slopes. However, it appears that the Buffer should be expanded further landward (as shown on the attachment).
- 2) The proposed limits of disturbance for construction extend within the expanded Buffer. Disturbance within the expanded Critical Area Buffer is not permitted, except by variance. The applicant should coordinate with the County submission of a variance application for the current development proposal or revise the site plan to eliminate disturbance to the expanded Buffer.
- 3) This lot contains several sensitive features, including wetlands and extensive steep slopes. Stormwater runoff should be directed to stable, vegetated outfalls on the site to promote sheetflow and infiltration, while avoiding discharge near steep slopes and wetlands.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this permit. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resource Planner

cc: CA 635-02, suppl

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Ren Serey
Executive Director

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January 6, 2003

Bobbie Hutchinson
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: SPR 02-7, Calvert County Highway Maintenance Facility

Dear Ms. Hutchison:

We received a revised site plan from the consultant on December 31, 2002 for the above referenced development project. The County proposes to construct a highway maintenance facility within the Critical Area, including several buildings, parking areas and services. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Based on the information provided, we have the following comments regarding this project.

- 1) Habitat protection areas (nontidal wetlands and buffers) are identified on the revised site plan. No disturbance is proposed within these areas.
- 2) The stormwater best management practices selected for pollutant reduction on site meet the requirements for 10% Rule compliance in an IDA. Stormwater runoff from structures should be directed to a stable, vegetated outfall, avoiding discharge near steep slopes and nontidal wetlands present on the property.
- 3) The County must provide a consistency report to the Commission for this project, as required by COMAR 27.02.02. Given that no impacts to the Buffer or Habitat Protection Areas are proposed, a conditional approval by the Commission is not necessary.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this project.

Sincerely,

A handwritten signature in cursive script that reads 'Julie V. LaBranche'.

Julie V. LaBranche
Natural Resource Planner

cc: Dan Kelsh (Collinson, Oliff & Associates, Inc.)

CA 157-02, suppl

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Ren Serey
Executive Director

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December 23, 2002

Cliff Houston
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance No. 2906, Sandy Hill Camp & Conference Center

Dear Mr. Houston:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct several buildings within the expanded Buffer. The property is designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property is currently developed with camp and conference center facilities. The property is proposed to be developed in phases with expanded facilities to serve approximately 600 children. The overall project proposal includes the addition of twelve new lodges, an art center, a gym, a second swimming pool, and expansion of the existing septic system. Approximately thirty-three existing cabins will be removed from the site. However, since the gym and second swimming pool are not shown on the revised site plan, we have not considered them as part of the development proposal for this variance request. Commission staff have the following comments regarding review of the development proposal at Sandy Hill Camp.

1. Commission staff completed a site plan evaluation and provided comments for the first phase of the project (refer to letters of September 3, 2002, October 16, 2002 and December 6, 2002), which included construction of five new lodges and stormwater management. At a later date, Commission staff was made aware that the proposal also included the construction of a drainfield for the new lodges. We indicated in our letter of December 6, 2002 that we would not oppose a variance for the development of the first phase, as it appeared to be a relocation and reasonable expansion of existing structures within the expanded Buffer. Commission staff does have concerns about the construction of a drainfield in the RCA portion of the site that will serve development in the LDA. This development activity is not permitted in the RCA because the septic system supports the increased development density proposed within the LDA portion of the site. All development activities associated with development in the LDA must be accommodated within the LDA, as required by the local Critical Area regulations (Article XI, Part I, Sections 196, 200, and 201) and COMAR (27.01.02.04, 27.01.02.05, and 27.01.09). We would not support expansion of the existing

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septic system without a change in Critical Area designation (from RCA to LDA) for that portion of the property. This change in designation should take place prior to or concurrent with any approval of a variance for the initial phase of the project.

2. The comprehensive development proposal described in the current variance application is far greater in scope than the development proposal reviewed previously by Commission staff. In our letter of December 6, 2002, we recommended that the variance application be revised to reflect the scope of development in the original development proposal (referred to as Phase I). It is our understanding that the applicant wishes to proceed with the current variance request for the comprehensive development proposal.

We received supplemental information via facsimile for this variance request on Thursday, December 19, 2002. This information included portions of the revised site plan and calculations of impervious surface coverage for portions of the site. We did not receive a revised site plan until December 23, 2002. Therefore, in order to provide comments on the comprehensive development proposal, Commission staff will need to evaluate it further. In particular, we need to review the increased development within the expanded Buffer and the change in Critical Area designation requested by the property owner for consistency with the Criteria and the local Critical Area regulations. Based on our preliminary review of this information, we have the following comments.

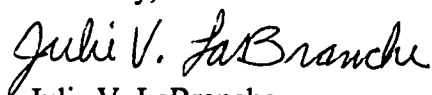
- 1) Based on the revised site plan, the majority of the proposed development is located within the expanded Buffer, including twelve new lodges and three relocated (existing) cabins. The proposed development will increase the impervious surface coverage by approximately 0.69 acres within the expanded Buffer. Since the camp was established prior to adoption of the local Critical Area program, it is possible that the Board could grant a variance for some reasonable expansion of existing facilities in the expanded Buffer. However, whenever development activities are proposed within the expanded Buffer, it must be demonstrated that disturbance has been minimized and alternative locations outside the Buffer have been considered for new structures. It appears that disturbance within the Critical Area could be further minimized by relocating several of the proposed structures outside of the expanded Buffer. Therefore, we recommend that the applicant investigate alternative configurations for the proposed expansion, which demonstrate minimization of the overall disturbance within the expanded Buffer. For example, the septic system could be relocated outside of the Critical Area portion of the property, allowing for several of the new lodges to be moved to locations outside the expanded Buffer.
- 2) The comprehensive development proposed at Sandy Hill Camp includes a substantial increase in impervious surface coverage within the expanded Buffer. While the Cecil County Zoning Ordinance requires mitigation for clearing within the expanded Buffer, it is the Commission's policy to recommend mitigation for all disturbances within the expanded Buffer. The very nature and scope of development proposed within the expanded Buffer can significantly alter the character and function of the Buffer. For this reason, we recommend

that mitigation, at a ratio of 3:1, be required for the total area disturbed within the expanded Buffer. Development of a Buffer Management plan should be coordinated with the County and Commission staff.

3. The comprehensive development plan includes expansion of the existing septic system within the RCA portion of the site. As discussed relative to the first phase of the project, this development activity is not permitted in the RCA because the septic system supports the increased development density proposed within the LDA portion of the site. All development activities associated with development in the LDA must be accommodated within the LDA, as required by the local Critical Area regulations (Article XI, Part I, Sections 196, 200, and 201) and COMAR (27.01.02.04, 27.01.02.05, and 27.01.09). We would not support expansion of the existing septic system without a change in Critical Area designation (from RCA to LDA) for that portion of the property. This change in designation should take place prior to or concurrent with any approval for development associated with the comprehensive development plan.
4. Based on discussions during our meeting on December 13, 2002, we understand that the applicant is pursuing a change in the Critical Area designation, from Resource Conservation Area (RCA) to Limited Development Area (LDA), for a portion of the property on the basis that a mistake was made at the time of the original mapping. Based on information provided by the County and the applicant, it appears that Commission staff could support the change in designation for developed portions of the property. Because this change represents an amendment to the County's Critical Area Maps, it will need to be approved by the full Commission.

Thank you for the opportunity to provide comments. In summary, the Commission does not oppose the construction of five lodges and stormwater management as long as construction does not take place prior to the map change. Any additional development will require further review by the Commission. Based on our preliminary review of the comprehensive development plan, it does not appear that the Board has sufficient information at this time to make a decision on the complete expansion proposal at Sandy Hill Camp. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of any decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Rob Jones (Frederick Ward Associates, Inc.)
Greg Joseph (Sandy Hill, LLC)

CE 705-02, supplemental

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

December 19, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 03-2882, Rodney Jones (TM 45B, Block 7R, Lot 89)

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling within the expanded Buffer and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose a variance to construct a dwelling. However, several issues should be addressed.

- 1) The Calvert County Board of appeals granted a previous variance to allow construction of a single-family dwelling on this property (Case Number 97-2312, Joan Corey). The limits of disturbance for the previous variance extended to approximately the 76-foot contour interval, with the second and third septic reserve areas located waterward (refer to attached site plan).
- 2) Based on the site plan provided for the current variance request, the limits of disturbance for construction extend to approximately the 62-foot contour interval, nearly 90 feet further waterward than for the previous variance. We recommend that the applicant investigate an alternative configuration to minimize disturbance to the expanded Buffer and steep slopes, and to reduce the amount of clearing necessary, as required by the Calvert County Zoning Ordinance (Article 4, Section 4-8.07). We support the proposed location of the septic system and reserve areas between the dwelling and the road, rather than between the dwelling and Fresh Creek. There appears to be sufficient area to move both the proposed dwelling and septic system northeastward, closer to Cordova Court, and to reduce the length of the driveway.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that mitigation opportunities on the lot are limited therefore mitigation alternatives should be addressed.

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Roxana L. Whitt
Variance 03-2882, Rodney Jones
December 19, 2002
Page 2

- 4) Stormwater runoff from structures should be directed to a stable, vegetated outfall, avoiding discharge near steep slopes present on the property. Stormwater best management practices should be implemented to facilitate sheetflow and infiltration of runoff on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 729-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 18, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0480, Carol Moran

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and nontidal wetland buffer than required. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose a variance to construct a dwelling. We have the following comments regarding the current development proposal.

- 1) Nearly the entire lot contains nontidal wetlands and wetland buffer within the expanded Critical Area Buffer (due to contiguous tidal wetlands). Based on the site plan provided, it appears that the footprint of the proposed development and disturbance to the Buffer have been minimized to the extent possible.
- 2) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Because the site is fully forested, mitigation alternatives will need to be addressed. If mitigation plantings are accommodated on site, we recommend that native species be selected that are appropriate for wet conditions, similar to the vegetation found in the surrounding wetlands.
- 3) Stormwater should be directed to a stable, vegetated outfall on the property and best management practices should be implemented to minimize impacts to the nontidal wetlands and provide water quality benefits.
- 4) The property owner must secure the required authorizations from the Department of the Environment for disturbance to the nontidal wetland and wetland buffer, prior to development of the lot.

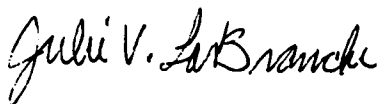
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Ramona Plociennik
Variance 2002-0480, Carol Moran
December 18, 2002
Page 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 726-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 18, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0459, Michael Kinner

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a dwelling, deck, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance request. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because this property is designated IDA, water quality benefits must be provided on site. A reduction in pollutant loads can be achieved through the implementation of a best management practice (BMP) or with plantings. Mitigation plantings can be utilized to provide water quality benefits. Development of an approved planting plan should be coordinated with the County and Commission staff. Stormwater from the new structure should outfall to a stable vegetated area on the property to provide water quality benefits.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 723-02

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Ren Serey
Executive Director

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December 18, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0490, Patrick Kelly

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a dwelling addition with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and is currently developed with a dwelling, deck, and a driveway.

Providing this lot is properly grandfathered, we would not oppose this variance request. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because this property is designated IDA, water quality benefits must be provided on site. A reduction in pollutant loads can be achieved through the implementation of a best management practice (BMP) or with plantings. Mitigation plantings can be utilized to provide water quality benefits. Development of an approved planting plan should be coordinated with the County and Commission staff. Stormwater from the new structure should outfall to a stable vegetated area on the property to provide water quality benefits.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 727-02

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Ren Serey
Executive Director

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December 18, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0449, Buchleitner

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks than required and with disturbance to steep slopes. The property is designated a Limited Development Area (LDA) and is currently developed with a driveway and several retaining walls.

Providing this lot is properly grandfathered, we would not oppose this variance request.

- 1) Based on the site plan provided, it appears that the footprint of the proposed development has been minimized and the existing driveway area reduced significantly.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. We recommend that a mix of native species should be used that provide canopy, understory and groundcover.
- 3) Storm water should be directed to a stable, vegetated outfall on the property, avoiding discharge to the steeper slopes on the property. Best management practices should be implemented on site to prevent erosion and provide water quality benefits within the Critical Area.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: AA 722-02

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Ren Serey
Executive Director

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December 18, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0479, Richard Keren

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and nontidal wetland buffer than required. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose a variance to construct a dwelling. However, several issues should be addressed regarding the current development proposal.

- 1) According to information provided by the design engineer (Ed Brown) via telephone on December 17, 2002, the septic tank can be located a minimum distance of 10 feet from the house and the property boundary. Based on the site plan provided, it appears that disturbance to the nontidal wetland could be minimized by reorienting the proposed dwelling (with the longer side parallel with the road), and by moving the dwelling approximately 5 feet closer to the road. This would also reduce the amount of clearing necessary.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Because the site is fully forested, mitigation alternatives will need to be addressed. If mitigation plantings are accommodated on site, native species appropriate for conditions should be selected, similar to the vegetation in the surrounding wetlands.
- 3) Stormwater should be directed to a stable, vegetated outfall on the property and best management practices should be implemented to minimize impacts to the nontidal wetlands and provide water quality benefits.
- 4) The property owner must secure the required authorizations from the Department of the Environment for disturbance to the nontidal wetland and wetland buffer, prior to development of the lot.

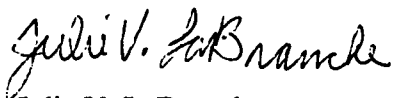
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Ramona Plociennik
Variance 2002-0479, Richard Keren
December 18, 2002
Page 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 725-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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December 17, 2002

Joseph Johnson
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance 2911, Burns

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition with less setbacks than allowed. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. Because this property is designated IDA, water quality benefits must be provided on site. A reduction in pollutant loads can be achieved through the implementation of a best management practice (BMP) or with plantings. Development of an approved planting plan should be coordinated with the County and Commission staff. Stormwater from the new structure should be directed to a stable, vegetated outfall on the property to promote sheet flow and infiltration.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: CE 715-02

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Chairman



Ren Serey
Executive Director

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December 17, 2002

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-151, Ward

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling, a portion of which is located within the 100-foot Buffer. The property is designated an Intensely Developed Area (IDA) and is currently undeveloped.

Based on the information provided, we would not oppose this variance request. However, several issues should be addressed.

- 1) The 100-foot Buffer should be shown on the site plan.
- 2) The footprint of the proposed dwelling is 2,135 square feet. We recommend that the applicant investigate an alternative configuration to reduce disturbance within the Buffer.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Since the property is fully forested, mitigation alternatives will need to be addressed.
- 4) Because this property is designated IDA, water quality benefits must be provided on site. A reduction in pollutant loads can be achieved through the implementation of a best management practice (BMP) or with plantings. Mitigation plantings can be utilized to provide water quality benefits. Development of an approved planting plan should be coordinated with the County and Commission staff.
- 5) Stormwater from the new structure should be directed to a stable, vegetated outfall on the property to promote sheet flow and infiltration, and provide water quality benefits within the Buffer.

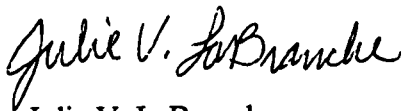
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Amy Moredock
Variance 02-151, Ward
December 17, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: KC 728-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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December 13, 2002

Olivia Vidotto
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Minor Subdivision, Robert Granados

Dear Ms. Vidotto:

We received a letter and revised subdivision plan on December 4, 2002 from Scott Hickman (Collinson, Oliff & Associates, Inc.) regarding the above referenced minor subdivision. Mr. Hickman's letter provides responses to each of the points raised in my letter of October 11, 2002 regarding Critical Area compliance for the proposed subdivision. Based on the revised subdivision plan, we are satisfied that all Critical Area issues have been resolved.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: Scott Hickman (Collinson, Oliff & Associates, Inc.)

CA MSD 588-02 suppl.

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Chairman



Ren Serey
Executive Director

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December 9, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-43, Opengart/Brown

Dear Ms. Owings:

Thank you for providing information on the above referenced variance. The applicant is requesting to construct a dwelling addition and deck, part of which is within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a house, walkway, and driveway.

Providing this lot is properly grandfathered, we would not oppose a variance to expand the existing dwelling. However, several issues should be addressed.

- 1) The 100-foot Buffer is not accurately delineated on the site plan provided. The Buffer must be measured from the mean high water line of tidal waters and the landward edge of tidal of tidal wetlands. The applicant should provide a revised site plan, showing the full extent of the Buffer on the property.
- 2) As proposed, a portion of the deck is located within the Buffer. It appears that the deck could be reconfigured to minimize disturbance within the Buffer. We recommend that the applicant investigate alternative configurations for the proposed deck. Also, it is not clear whether the steps leading to the shoreline are existing or proposed, as shown on the site plan. We recommend that new steps be constructed of pervious materials, such as wood slats or crushed stone.
- 3) Mitigation, at a ratio of 3:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should be first directed to non-forested areas of the Buffer, then to other areas of the property. We recommend the use of a mix of native species for mitigation plantings, which provide canopy, understory and groundcover.
- 4) Stormwater runoff from new structures should be directed to a stable vegetated outfall on the property to provide for water quality benefits within the Buffer.

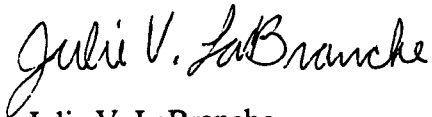
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Gail Owings
Variance 02-43, Opengart/Brown
December 9, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: KC 709-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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December 6, 2002

David Black
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Variance #2906, Sandy Hill Camp & Conference Center

Dear Mr. Black:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct twelve new lodges and remove approximately thirty-three existing cabins within the expanded Buffer. The property is designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property is currently developed with camp and conference center facilities.

Based on the information provided, we are unable to complete our evaluation of this variance request. We have the following comments regarding this proposal.

- 1) The Commission reviewed and commented previously on a development proposal for this facility (refer to my letter of December 6, 2002). This proposal included construction of five new cabins, stormwater management for the new cabins, and relocation of three existing cabins within the expanded Buffer. We concluded that a variance would be necessary for the development proposed in the expanded Buffer, and that we would not oppose such a variance.
- 2) The development proposal described in the current variance application is far greater in scope than the development proposal reviewed previously by the Commission. We recommend that the variance application be revised to reflect the scope of development in the original proposal, as reviewed by the Commission. If the applicant wishes to proceed with the current variance request, they must submit revised development plans, which show in detail the scope of development described in the variance application. The County should forward this information to the Commission for review and comment.

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David Black
Variance #2906, Sandy Hill Camp & Conference Center
December 6, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Chuck Schneider (Frederick Ward Associates, Inc.)

CE 705-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

December 6, 2002

David Black
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Sandy Hill Camp & Conference Center Expansion Proposal

Dear Mr. Black:

This letter is to update you on our review of the expansion proposal for the Sandy Hill Camp & Conference Center. We received a letter and revised site plan for this project from Chuck Schneider (Frederick Ward Associates, Inc.) on November 19, 2002. We have the following comments regarding the revised expansion proposal.

- 1) The Buffer has been expanded to include steep slopes and highly erodible soils. However, the cliff areas along the shoreline must be expanded further, based on the provisions for Buffer expansion in the local Critical Areas regulations (Section 9.1). The site plan should be revised to show full extent of the expanded Buffer on the site.
- 2) The five new cabins and three existing cabins have been relocated within the Limited Development Area (LDA) portion of the site. In addition, the grass swales previously proposed within the Resource Conservation Area (RCA) of the site have been eliminated. Stormwater runoff from four of the new cabins will be treated using multiple dry-well infiltration basins located adjacent to each of the new structures. Stormwater runoff from the fifth cabin (the craft center) will be discharged to stable outfalls to promote sheetflow and infiltration through adjacent forested areas. Providing that the County approves the new stormwater management plan, the current proposal appears to comply with the provisions for development within the LDA, as required by the local Critical Area regulations.
- 3) Construction of Cabin #5 will require clearing within the expanded Buffer. Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. Given the size of the property, it appears that mitigation plantings can be accommodated on the site. We encourage the use of native species for mitigation within the Critical Area. Development of mitigation planting plan should be coordinated with the County and Commission staff.

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David Black
Sandy Hill Camp & Conference Center Expansion Proposal
December 6, 2002
Page 2

- 4) The revised site plan includes expansion of the existing facilities at Sandy Hill Camp & Conference Center with the addition of five cabins, stormwater management for the new cabins, and relocation of three existing cabins. Because this development is located within the expanded Buffer, a variance is required. We would not oppose a variance for this development as proposed.
- 5) As referenced in Mr. Schneider's letter, the applicant wishes to pursue investigation of a mapping mistake associated with this property. I am available to meet with the property owner and County staff to discuss this issue further. The property owner should be prepared to provide to the County information showing the condition of the property at the time of the Critical Area mapping (the extent of existing development and natural areas on the property). This information may include air photography, photographs of the grounds, reports, or other documentation. If a mistake is confirmed, the County must submit the request for a mapping mistake to the Commission for review and approval.

Please contact me at any time if you have questions regarding my comments or this proposal.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Chuck Schneider (Frederick Ward Associates, Inc.)

CE 511-02, revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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December 6, 2002

Mr. Eric Sennstrom
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Cecil County Critical Area Program Amendment
Growth Allocation Request for the Estate of Mary Parker

Dear Mr. Sennstrom:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced Critical Area Program Amendment. On November 13, 2002, the Critical Area Commission voted to deny Cecil County's request to award 1.5 acres of growth allocation to change the designation of the Resource Conservation Area (RCA) portion of the Parker property to a Limited Development Area (LDA). In considering program amendments, the Commission is obliged to determine that the amendment meets the standards for conservation of fish, wildlife, and plant habitat set forth in 8-1808(b) (1-3), as required in 8-1809(j) of the Critical Area Law. The information provided by Cecil County did not permit the Commission to make that determination. In making its determination, the Commission also considered information provided at the public hearing held on October 30, 2002, observations made by Commission staff and the Department of Natural Resource on a site visit to the Parker property on November 8, 2002, and recommendations provided by State and federal resource agencies.

The Commission denied the growth allocation request on the basis that the 110-foot cliff setback recommended by the County would not provide adequate protection for the federally threatened and State endangered species present on the property (Puritan Tiger Beetle), based on recommendations made by the Department of Natural Resources, Wildlife and Heritage Division, and the U.S. Fish and Wildlife Service. These agencies provided specific protection measures for conservation and recovery of the species based on its habitat requirements and the unique physical features of the site. In their letter of November 6, 2002, the Department of Natural Resources, Wildlife and Heritage Division, recommended a minimum 200-foot cliff setback to allow for natural cliff erosion processes to continue and to provide for a 60 to 70 year protection horizon for the species.

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Mr. Eric Sennstrom
Cecil County Critical Area Program Amendment
December 6, 2002
Page 2

In a letter of November 12, 2002, the U.S. Fish and Wildlife Service supported previous recommendations by the Department of Natural Resources that "No exemptions should be provided for new structures within 200 feet of the cliff top", stating that adequate cliff setbacks are what was needed for long-term recovery and protection of this threatened species.

Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Steve Parker (Estate of Mary Parker)
Marianne Mason (Office of the Attorney General)
Ren Serey (Critical Area Commission)

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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December 6, 2002

Pam Miley
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0355, Valley Pine Mortgage

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and buffer than required, and with disturbance to steep slopes. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped. I conducted a site visit with County staff on Friday, October 18, 2002 and a meeting with the consultant to discuss proposed revisions to the site plans on December 3, 2002. As a result of this meeting, we received by facsimile on December 5, 2002 a revised sketch plan, which included the following revisions: approximately a 270 square foot reduction in the footprint of the dwelling and garage, relocation of the dwelling and garage as close to the required septic setbacks as possible, and the addition of a retaining wall on the west side of the dwelling to reduce the amount of grading necessary.

Providing this lot is properly grandfathered, we would not oppose a variance to construct a dwelling on this lot. We have the following comments regarding the revised development plan for this site.

- 1) Based on GIS information from the Department of Natural Resources and observations made at the site visit, tidal wetlands are located near the south side of the property, directly across the private road shown on the site plan. The 100-foot Buffer must be delineated from the landward edge of these tidal wetlands. Since steep slopes are present within the 100-foot Buffer, the buffer must be expanded, according to the standards in the Anne Arundel County Zoning Ordinance (Article 28, §1A-104). It appears that the entire lot would fall within the expanded Buffer. The applicant must provide a revised site plan, including calculations of the proposed disturbance within the expanded Buffer.
- 2) The site contains several sensitive features, including a tributary stream, nontidal wetlands, and steep slopes. Based on the revised site plan, it appears that the applicant has reconfigured the footprint of the proposed development (dwelling, garage and driveway), which has reduced and minimized disturbance to the sensitive features on this site.

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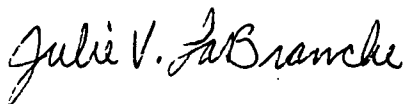
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Pam Miley
Variance 2002-0355, Valley Pine Mortgage
December 6, 2002
Page 2

- 3) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. Because the site is fully forested, mitigation alternatives will need to be addressed.
- 4) We strongly recommend that a comprehensive stormwater management plan be developed, which provides protection of sensitive features and water quality benefits within the Critical Area. Stormwater runoff from the proposed structures should be directed to stable, vegetated outfalls on the property, avoiding discharge near the nontidal wetlands and buffer, the tributary stream and buffer, and steep slopes. Stormwater best management practices, that promote infiltration and sheetflow through forested areas, should be utilized wherever feasible. We recommend that County approval of a stormwater management plan be made a condition of this variance.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 547-02, revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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November 26, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2871, McKnight-Warner

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a replacement single-family dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The County recommends a minimum 200-foot cliff setback at Scientists Cliffs, which is a designated County Resource Preservation District (Section 4-4.05.B and Section 4-4.08 of the Calvert County Zoning Ordinance). The Department of Natural Resources, Wildlife and Heritage Division, advocates protection of these cliffs to ensure conservation and recovery of the federally threatened and State endangered species (Puritan Tiger Beetle) present along Scientists Cliffs, based on its habitat requirements and the unique physical features of this site (refer to attachment).
- 2) Since the entire lot is located within the 200-foot cliff setback recommended by the County, it is not possible to locate the replacement dwelling beyond this setback. Although the existing dwelling is closer to the cliff than the proposed dwelling, the property owner should be granted only the minimum relief necessary from the Critical Area regulations to allow for development of the property. It appears that the substantial circular driveway could be reduced in size to accommodate adjustments to the current site plan. Providing that reconfiguration of the septic system is feasible, relocating the dwelling closer to the road would provide the maximum cliff-setback possible, provide protection of Puritan Tiger Beetle habitat, and reduce disturbance within the expanded Buffer. (Refer to site plan attached with the recommended changes.)

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Roxana L. Whitt
Variance 02-2870, McKnight-Warner
November 26, 2002
Page 2

- 3) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. It appears that mitigation opportunities on the lot are limited therefore mitigation alternatives should be addressed.
- 4) Stormwater runoff from structures should be directed to a stable, vegetated outfall, avoiding discharge near steep slopes present on the property. Stormwater best management practices should be implemented to facilitate sheetflow and infiltration of runoff.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 686-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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November 26, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-22874, DiBello

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a replacement single-family dwelling with greater impervious surface coverage and clearing than allowed. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose development of the property. However, several issues should be addressed regarding the current proposal.

- 1) The current development proposal includes impervious surface coverage of 28.6 percent of the lot. We would not support a variance to exceed the maximum allowable impervious surface coverage of 25 percent for grandfathered lots or parcels in the Critical Area. We recommend that the applicant submit a revised site plan, which complies with the impervious surface limits required by the Calvert County Zoning Ordinance (Section 4-4.07). Compliance can be achieved by reducing the proposed impervious surface coverage by approximately 386 square feet. For example, it appears that the dwelling could be shifted closer to the building restriction line, reducing the length of the driveway by approximately 17 feet.
- 2) Mitigation, at a ratio of 3:1 for clearing in excess of 30 percent, should be required. Since the lot is almost fully forested, it appears that mitigation opportunities on the lot are limited therefore mitigation alternatives should be addressed. A reduction in the impervious surface coverage on the property would also reduce the amount of clearing necessary.

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Roxana L. Whitt
Variance 02-22874, DiBello
November 26, 2002
Page 2

- 3) Stormwater runoff from structures should be directed to a stable, vegetated outfall, avoiding discharge near steep slopes present on the property. Stormwater best management practices should be implemented to facilitate sheetflow and infiltration of runoff.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 689-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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November 26, 2002

William R. Watson
Planning and Zoning Administrator
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Board of Appeals Case #2002-3

Dear Mr. Watson:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition within the Buffer with less setbacks than required. The property is designated an Intensely Developed Area (IDA) and a Buffer Exempt Area (BEA). The property is currently developed with a house and deck.

Providing this lot is properly grandfathered, we would not oppose this variance. A variance is needed because the proposed addition to the front (waterside) of the dwelling does not comply with the provisions in the local Critical Area regulations regarding new development in Buffer Exempt Areas (Section IV, p. 9-14). These provisions state that new impervious surfaces are not permitted waterward of the setback line, as defined by existing structures on adjacent lots. The proposed addition to the front (waterside) of the dwelling falls waterward of this setback line, as approximated from the site plan provided by the applicant. Because the setbacks on the adjacent properties differ by five feet, we would not oppose construction of the addition to the setback established by Lot D. The proposed addition to the back of the dwelling (along C Street) is acceptable.

Because this property is designated IDA, water quality benefits must be provided on site. A reduction in pollutant loads can be achieved through the implementation of a Best Management Practice (BMP) or with plantings. Development of an approved planting plan should be coordinated with the Town and Commission staff. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, should be directed to non-forested areas on the property and can be utilized to provide water quality benefits. Stormwater from the new structures should be directed to a stable, vegetated outfall on the property to promote sheet flow and infiltration.

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William R. Watson
Board of Appeals Case #2002-3
November 26, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CB 670-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 27, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Minor Subdivision 02-135, Higgins

Dear Ms. Owings:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 13.0 acre parcel to create two lots (TM 51, Parcel 122). The property is designated a Limited Development Area (LDA) and is currently developed with a residential dwelling and an accessory structure.

Based on the information provided, we have the following comments regarding the proposed subdivision.

- 1) All Habitat Protection Areas (HPAs) must be identified on the property, such as tributary streams, wetlands and wetland buffers, steep slopes, and riparian forest. Based on GIS information from the Department of Natural Resources, it appears that extensive nontidal wetlands may be present on the property (refer to attached photographs from the Department of Natural Resources MERLIN system). The property also appears to be fully forested. Disturbance to HPAs must be minimized to the extent possible with respect to development of the property, including lot configurations and site selection for access roads, driveways, dwellings and services.
- 2) Each of the new lots are allowed up to 15 percent impervious surface coverage, and the subdivision is limited to 15 percent impervious surface coverage overall. The subdivision plan does not indicate whether maximum allowable impervious surface limits will be placed on individual lots within the Critical Area. If impervious surface coverage limits are established for individual lots, this information must be included in the plat notes, as well as the impervious surface coverage for existing impervious components of the subdivision, such as roads, driveways, and structures.

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Gail Owings
Minor Subdivision 02-135, Higgins
November 27, 2002
Page 2

- 3) The applicant must provide an evaluation by the Department of Natural Resources for the presence of rare, threatened and endangered species on the property.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: KC 706-02

Attachments: photographs

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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November 27, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2872, Dawley

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition within the Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling and several walkways and driveways.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) Currently, Lot 31R is non-conforming with respect to impervious surface coverage, with 9,495 square feet. According to Maryland tax records, Lot 31R is 45,637 square feet in area, which would allow a maximum of 6,845.4 square feet of impervious surface coverage (15 percent of the lot).
- 2) Based on information provided by the County, the applicant is seeking to consolidate Lots 31R, Lot 2 and "lands between Lot 31R and the shore of Leason Cove". We are not aware of the status of this lot consolidation request. We recommend that a variance decision for the proposed dwelling addition be deferred until approval of the lot consolidation request, due to the non-conforming condition of Lot 31R with respect to impervious surface coverage.
- 3) If the lot consolidation request has not been approved, a variance from the impervious surface standards within the Critical Area would be necessary for the proposed dwelling addition. We would not support a variance to increase the existing impervious surface coverage on the lot. We recommend that an area of existing impervious surface, equivalent to the area of the proposed addition, be removed to offset the desired improvements.
- 4) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. Mitigation plantings should be directed first to non-forested areas of the Buffer, then to other areas of the property. We recommend that a mix of native species be used for mitigation plantings.

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Roxana L. Whitt
Variance 02-2870, McKnight-Warner
November 27, 2002
Page 2

- 5) Stormwater runoff from the new structure should be directed to a stable vegetated outfall on the property, avoiding discharge near steep slopes.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: CA 687-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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November 27, 2002

Anthony Di Giacomo
Cecil County, Office of Planning and Zoning
129 E. Main St. Room 300
Elkton, MD 21921

Re: Subdivision, Holt Family Partnership

Dear Mr. Di Giacomo:

Thank you for providing information on the above referenced subdivision proposal. We received a revised site plan for this subdivision on November 22, 2002. The applicant is requesting to subdivide a 229.4 acre parcel, of which 44.28 acres is within the Critical Area. The Critical Area portion of the property is designated a Limited Development Area (LDA) and is currently developed with a dwelling and several outbuildings used for agricultural purposes.

Based on the information provided, we have the following comments regarding this proposal.

- 1) Based on our review of the previous subdivision proposal for this site, it appears that the limits of tidal wetlands (as defined by the 1972 Tidal Wetlands maps) are not identified correctly on the revised plan. In addition, the 110-foot Buffer must also be shown on the site plan (as measured from mean high water and the landward edge of tidal wetlands, whichever is greater). We recommend that a plat note be included, stating that disturbance within the 110 foot Critical Area Buffer is prohibited.
- 2) Although the individual lots are allowed up to 25 percent impervious surface coverage, the Critical Area portion of the subdivision is limited to 15 percent impervious surface coverage overall. Impervious surface information must be included in the plat notes, as well as the impervious surface coverage for all impervious components of the subdivision, such as roads, sidewalks, and other structures.
- 3) A 110-foot vegetated Buffer must be established for the tributary stream within the Critical Area. Development of a planting plan should be coordinated with County staff and Commission staff. We recommend that a mix of native species be used, which provide canopy cover, understory and ground cover. We recommend that a plat note be included, stating that removal of vegetation and disturbance within the established Buffer is prohibited.

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Anthony Di Giacomo
Subdivision, Holt Family Partnership
November 27, 2002
Page 2

- 4) Steep slopes (slopes greater than 15 percent) are identified on the revised site plan. It appears that several proposed features in the subdivision will result in disturbance to steep slopes. These features include the proposed County road 'C', a stormwater management pond, and the proposed trail system. In addition, it appears that development of Lot 2 may also result in disturbance to steep slopes, given the location of steep slopes at the center of the lot. Disturbance to steep slopes within the Critical Area is prohibited, except by variance (Cecil County Zoning Ordinance, Section 2.B.). We would not support any components of the proposed subdivision for which a variance would be necessary. We recommend that the site plan be revised to minimize impacts to steep slopes to the extent possible.
- 5) The revised subdivision plan includes the 23.53 acre "Reserve Parcel", which was designated as open space for the previously approved subdivision, St. John's Vista. Based on information provided by the County, it is our understanding that the Reserve Parcel may not be developed or combined with another subdivision proposal. Therefore, the Reserve Parcel acreage must not be included in any calculations for Critical Area portion of the subdivision.
- 6) In order to complete our evaluation of this proposal, the applicant must provide the additional information requested for Commission review and comment.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this subdivision. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CE 55-02, revised site plan

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 26, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2871, McKnight-Warner

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a replacement single-family dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling.

Providing this lot is properly grandfathered, we would not oppose this variance. However, several issues should be addressed.

- 1) The County recommends a minimum 200-foot cliff setback at Scientists Cliffs, which is a designated County Resource Preservation District (Section 4-4.05.B and Section 4-4.08 of the Calvert County Zoning Ordinance). The Department of Natural Resources, Wildlife and Heritage Division, advocates protection of these cliffs to ensure conservation and recovery of the federally threatened and State endangered species (Puritan Tiger Beetle) present along Scientists Cliffs, based on its habitat requirements and the unique physical features of this site (refer to attachment).
- 2) Since the entire lot is located within the 200-foot cliff setback recommended by the County, it is not possible to locate the replacement dwelling beyond this setback. Although the existing dwelling is closer to the cliff than the proposed dwelling, the property owner should be granted only the minimum relief necessary from the Critical Area regulations to allow for development of the property. It appears that the substantial circular driveway could be reduced in size to accommodate adjustments to the current site plan. Providing that reconfiguration of the septic system is feasible, relocating the dwelling closer to the road would provide the maximum cliff-setback possible, provide protection of Puritan Tiger Beetle habitat, and reduce disturbance within the expanded Buffer. (Refer to site plan attached with the recommended changes.)

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Roxana L. Whitt
Variance 02-2870, McKnight-Warner
November 26, 2002
Page 2

- 3) Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. It appears that mitigation opportunities on the lot are limited therefore mitigation alternatives should be addressed.
- 4) Stormwater runoff from structures should be directed to a stable, vegetated outfall, avoiding discharge near steep slopes present on the property. Stormwater best management practices should be implemented to facilitate sheetflow and infiltration of runoff.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: CA 686-02

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 25, 2002

William R. Watson
Town of Chesapeake Beach
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Town Water Tower Proposal at Richfield Station

Dear Mr. Watson:

This letter is to respond to the supplemental information you provided regarding the proposed water tower project at Richfield Station. We received the following information on November 18, 2002 with a cover memo of November 8, 2002: a revised 10% Rule worksheet, a revised Critical Area form, and a Critical Area site plan. We also have a copy from our files of the April 14, 1992 letter from Claudia Jones regarding the Richfield Station subdivision proposal, which is referenced in your memo. We would like to address several outstanding issues with respect to the water tower proposal and the Richfield Station subdivision.

Water Tower Proposal Information

At this time, we have not received the following information regarding the proposed project:

- 1) Critical Area calculations, including a breakdown (in square feet or acres) of impervious surface coverage for the road, parking area, and water tower;
- 2) a mitigation proposal for these impacts, including a description of potential or selected FID mitigation sites for the project;
- 3) a Critical Area program consistency report from Town or, if the project is not consistent with the Town's program, a request for conditional approval by the Commission (the Critical Area standards for conditional approval of local projects are enclosed).

This information is necessary in order to complete our evaluation of the water tower proposal. As discussed previously, Claudia Jones will evaluate the revised site plan to determine impacts to forest interior dwelling bird (FID) habitat and acreage calculations of the required FID mitigation. We will forward this information to the Town as soon as possible.

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William R. Watson
Town Water Tower Project at Richfield Station
November 25, 2002
Page 2

Forest Interior Dwelling Bird (FID) Habitat

As stated in my letter of October 1, 2002, the forest where this project is proposed is classified as forest interior dwelling bird (FID) habitat. This classification was based on a site visit by Critical Area Commission staff as well as the extent of contiguous forest in the project area (see attached letter from the Maryland Department of Natural Resources Wildlife and Heritage Division). As proposed, the location selected for the water tower does not comply with the site design guidelines as outlined in the Commission's 2000 publication "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area". Therefore, the Critical Area Commission recommends that alternative locations for the water tower be considered to avoid extensive impacts to this habitat. If an alternative site is not found, an acceptable mitigation proposal must be developed prior to the approval of this project.

Richfield Station Subdivision

Based on the subdivision plan submitted by the Town for the Richfield Station subdivision (sketch/annexation plan), it appears that the Critical Area portion of the subdivision would require the use of growth allocation, since the proposed development density is greater than the one dwelling unit per 20 acres allowed in a Resource Conservation Area (RCA). Based on our records, the Town has not submitted a growth allocation request for this subdivision, nor has the growth allocation request been formally reviewed and approved by the Commission. New subdivisions, involving the use of growth allocation, comply with all current Critical Area provisions.

If the developer wishes to proceed with Commission approval of the Critical Area portion of the Richfield Station subdivision, they must submit a revised subdivision proposal and growth allocation request (if necessary) to the Town. The subdivision proposal should be forwarded to the Commission for review and comment. The Town must approve the growth allocation request and then submit the request to the Commission for approval, according to provisions in the Critical Area Law (§8-1808.1) and COMAR 27.01.02.06. The Town must provide findings that the growth allocation request is consistent with the applicable provisions in the Town's Critical Area program (Article IV, Section 410(B)). Please contact me at (410) 260-3475 if you have questions or need additional information.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Gerald Donovan (Mayor, Town of Chesapeake Beach)
Mary Owens (Critical Area Commission)

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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(410) 260-3460 Fax: (410) 974-5338

November 21, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2873, Currence

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a fence within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently developed with a dwelling, garage, walkway and driveway.

Based on the information provided, we would not oppose this variance. We would not support grading or clearing of natural vegetation within the Buffer associated with construction of a fence. Fences, such as split rail and chain-link, are preferred because they typically involve little or no ground disturbance and generally do not disturb habitat within the Buffer. We discourage the use of structural walls, which require foundations and installation with heavy equipment. These types of structures can substantially alter the topography and disturb the ground cover within the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

cc: CA 688-02

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 21, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2870, Wrenn

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a single-family dwelling within the expanded Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. As proposed, it appears that disturbance within the Buffer has been minimized and the cliff-setback has been maximized to the extent possible. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation opportunities on the lot are limited therefore mitigation alternatives should be addressed. Stormwater runoff from structures should be directed to a stable, vegetated outfall, avoiding discharge near steep slopes present on the property. Stormwater best management practices should be implemented to facilitate sheetflow and infiltration of runoff and provide water quality benefits within the Critical Area.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resource Planner

cc: CA 685-02

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(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

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November 14, 2002

Wayne Newton
Messick & Associates
31 Old Solomons Island Road
Annapolis, Maryland 21401

Re: Variance Case 02-0355, Valley Pine Mortgage

Dear Mr. Newton:

We received the revised site plans on October 31, 2002 for the Valley Pine Mortgage development proposal. We understand that the variance hearing has been deferred to December 10, 2002. The property owner proposes to construct a single-family dwelling and septic system on a 1.12 acre parcel (TM 46, Parcel 10) within the Critical Area. The property is designated a Resource Conservation Area and is currently undeveloped. Based on the information provided, we have the following comments regarding this development proposal.

- 1) The following information must be provided on the revised site plan: calculations of existing and proposed impervious surface coverage, existing forested area, forested area to be removed, the 100-foot Buffer, the tributary stream, nontidal wetlands and wetland buffer, and steep slopes. The Buffer must be expanded due to the presence of steep slopes, as required by the local Critical Area regulations (Article 28, §1A-104 of the Anne Arundel County Zoning Ordinance).
- 2) We are particularly concerned with the extensive grading on steep slopes in the Buffer proposed for development of the property. It appears that current proposal does not minimize to the extent possible disturbance within the Buffer, as required by the local Critical Area regulations (Article 28, §1A-104 of the Anne Arundel County Zoning Ordinance). We recommend that the applicant consider an alternative design for the proposed dwelling and garage that would reduce the footprint of these structures and minimize disturbance to the Buffer on the site.
- 3) The information requested can be shown on a single plan or several sheets if necessary. A copy of the revised site plans should be provided to this office and Pam Miley, Anne Arundel County Office of Planning and Zoning, for review and comment.

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Wayne Newton
Variance Case 02-0355, Valley Pine Mortgage
November 14, 2002
Page 2

Please contact me at (410) 260-3475 if you have questions or would like to discuss the development proposal further.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: Pam Miley (Anne Arundel County, Office of Planning and Zoning)

AA 547-02 supplemental

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 14, 2002

Pam Miley
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0376, 8919 LLC/James Robinson

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and buffer than required and with disturbance to nontidal wetlands. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. However, one issue should be addressed. Based on information provided by the County, the applicant's consultant submitted a letter along with a plat (labeled "Exhibit 1") that identifies a conservation easement, which includes a substantial portion of Lots 11 and 24. We strongly recommend that the applicant clarify the status of this conservation easement. Specifically, the applicant should provide the following information: the date the conservation easement was established, what entity holds the conservation easement, and any development restrictions that may have been placed on the property. This information should be provided to this office for review and comment.

Mitigation, at a ratio of 1.5:1, should be required for clearing in excess of 20 percent of the existing forested area. Since the lot is fully forested, mitigation alternatives will need to be addressed. Stormwater runoff should be directed to a stable, vegetated outfall on the property, avoiding discharge near the nontidal wetlands.

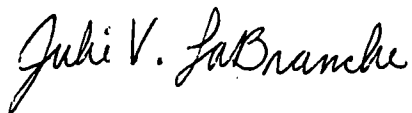
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Pam Miley
Variance 2002-0376, 8919 LLC/James Robinson
November 14, 2002
Page 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 577-02, revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 14, 2002

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2002-0400, Bartolo

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to redevelop a commercial property with less setbacks and buffer than required and with disturbance to steep slopes. Portions of the property are designated a Limited Development Area (LDA) and a Resource Conservation Area (RCA). The property is currently developed with two commercial buildings, several sheds, and extensive parking areas. We received revised site plans on October 7, 2002 and October 9, 2002 (via facsimile), and November 6, 2002.

Providing this lot is properly grandfathered, we would not oppose this variance. Based on the information provided, we have the following comments regarding this proposal.

- 1) The County paperwork and information provided by the applicant indicate that the entire property is designated LDA. Based on the Anne Arundel County Critical Area maps, the property has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA) (refer to attached photograph).
- 2) Currently, the LDA portion of the site is almost completely impervious, with pavement to the edge of the steep slopes and the RCA boundary. We understand that the current development proposal will result in a significant reduction in impervious surface coverage on the property, from 89,080 square feet of existing to 61,663 square feet.
- 3) Based on the preliminary planting plan provided by the applicant, areas of existing impervious will be removed around the periphery of the developed LDA portion of the site. These areas will be planted with a mix of trees, shrubs and ground cover. We recommend that these plantings consist of native species. These plantings can also be utilized to provide water quality benefits and protect erosion of steep slopes on the site.
- 4) Development activities proposed within the LDA are not permitted to impact RCA areas of the property. This would include, but is not limited to, stormwater management devices and best management practices (BMPs), roads, utilities, and accessory structures.

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Ramona Plociennik
Variance 2002-0400, Bartolo
November 14, 2002
Page 2

An existing stormwater outfall is located within the RCA portion of the property. Due to erosion at the outlet, the current redevelopment plan requires upgrading of the existing stormwater outfall, including replacement of the outfall pipe and the addition of a riprap pad and plunge pool. The limits of disturbance defined on the revised site plan will result in approximately 960 square feet of disturbance to the expanded Buffer within the RCA portion of the property. Mitigation, at a ratio of 3:1 for disturbance within the expanded Buffer, should be required. The redevelopment plan includes replanting areas where existing impervious surface will be removed. It is not clear whether this replanting will satisfy fully the required Buffer mitigation. The applicant should coordinate with County staff to develop a Buffer management and planting plan for the site.

- 5) Since the current development proposal will result in a 31 percent (or 27,417 square feet) reduction in impervious surface coverage, mitigation is not required for redevelopment of the LDA portion of the site.
- 6) The RCA portion of the property consists of environmentally sensitive features, including steep slopes, nontidal wetlands, tributary streams, and riparian forest. Given that these are designated Habitat Protection Areas under the local Critical Area regulations, and development of these areas is not permitted without a variance, we suggest that the property owner protect these areas of the property through a conservation easement or other protective covenant. This will ensure that these Habitat Protection Areas are not impacted by the more intensive development on the LDA portion of the property and provide a substantial benefit to the County's Critical Area program.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: AA 587-02 revised

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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(410) 260-3460 Fax: (410) 974-5338

November 12, 2002

Gail Owings
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-128, Palumbo/Haentze

Dear Ms. Owings:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling within the 100-foot Critical Area Buffer. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we would not oppose this variance. We understand that disturbance within the Buffer will be limited to installation of several pilings to support the dwelling and a driveway. Based on the 1972 Tidal Wetlands maps and GIS information from the Department of Natural Resources, it appears that tidal wetlands are present over a substantial portion of the property (see attachments). However, the variance application notes that a variance is being required for disturbance to the nontidal wetland buffer. The applicant must clarify this discrepancy and acquire the necessary authorizations from the Department of the Environment for impacts associated with the proposed development. It appears that several pilings will be located within the tidal wetlands. It is not clear whether a portion of the driveway will be located within the tidal wetlands.

Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. Because little upland exists for mitigation plantings on the site, mitigation alternatives may need to be addressed. The applicant should investigate appropriate stormwater best management practices for treatment of post-development runoff from the site to provide water quality benefits within the Critical Area.

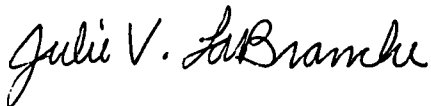
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Gail Owings
Variance 02-128, Palumbo/Haentze
November 12, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie V. LaBranche
Natural Resource Planner

cc: KC 672-02

Attachments: 1972 Tidal Wetland Map 62, NWI data on DNR orthophoto

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 1, 2002

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 02-2863, Lee

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to construct a dwelling addition with greater impervious surface coverage than allowed. The property is designated a Limited Development Area (LDA) and is currently developed with a house, deck, walkway, shed, driveway, and pier. Although the site plan shows a gravel surface driveway, County staff stated (in a telephone conversation on October 25, 2002) that the driveway has been paved.

Based on the information provided, we would not oppose construction of a dwelling addition on this property. However, several issues need to be addressed regarding the current proposal. Currently, this grandfathered lot is non-conforming with respect to the impervious surface standards established by the Critical Area Law and the Calvert County Zoning Ordinance (Section 4-8.07). The lot has 18 percent (or 5,900 square feet) impervious surface coverage, where the maximum allowable is 15 percent (or 4,845 square feet). The applicant proposes to further increase the impervious surface coverage to 20 percent, with the addition of a 490 square foot sunroom. We do not recommend that the property owner increase the impervious surface coverage beyond the existing non-conforming condition. We recommend that an area of existing impervious surface be removed to compensate for the additional impervious surface proposed for the dwelling addition. For example, a portion of the existing paved driveway could be removed and established in vegetation.

Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native species, could be used to revegetate areas where impervious surface is removed. Stormwater runoff should be directed to a stable, vegetated area on the property to provide water quality benefits.

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Roxana L. Whitt
Variance 02-2863, Lee
November 1, 2002
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

cc: CA 643-02

Staff Correspondence Vol. II: Owens

2002

61832-153-5

Judge John C. North, II
Chairman



Mary - Reader

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

April 10, 2003

Mr. Stanley Hearne
Town of Charlestown
P.O. Box 154
241 Market Street
Charlestown, Maryland 21914

**RE: Town of Charlestown
Special Buffer Areas Ordinance**

Dear Mr. Hearne:

I have reviewed the referenced ordinance amending Chapter 175 of the Code of the Town of Charlestown. This week, I met with Mary Ann Skilling to discuss a few questions that I had and to go over several changes that had been made since the last draft. The following issues still need to be addressed:

1. Section 175-23.1.A (Page 1) - There is a typographical error in the second sentence. The term "second" should read "section."
2. Section 175-23.1.A (Page 1) - In the last sentence, clarification of how the setback is determined should be revised as noted in bold, "Mean high tide, **the edge of tidal wetlands, and the bank of tributary streams**, shall be the indicator from which setback distance is measured."
3. Section 175-23.1(C)(1) (Page 3) - The last sentence needs to be deleted. Mitigation plantings are required to offset impacts to the Buffer resulting from permanent alteration of the Buffer; therefore, the mitigation must be permanent as well.
4. Section 175-23.1.E (Page 4) - It appears that a section regarding mitigation that appeared in earlier drafts has been omitted. It was my understanding that the town was proposing that two forms of mitigation were to be provided for commercial, industrial, institutional, recreational, and multi-family development projects. When the Critical Area Commission revised their policy on Buffer Exemption Area (Special Buffer Areas), they expressed concern about the more significant impacts to the Buffer associated with these larger

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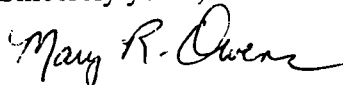
Mr. Hearne
April 10, 2003
Page 2

projects, and recommended additional mitigation requirements for these projects. They have strongly supported the creation of a 25-foot wide planted bufferyard between the project and the shoreline because it is a measure that addresses some of the Buffer functions.

Recently, the Commission approved Buffer Exemption Area provisions in both the Coastal Bays of Worcester County and in Kent County. Both counties included the bufferyard requirement and both counties mapped several marinas, similar to those in Charlestown, as Buffer Exemption Areas. I believe that it is likely the Commission will request revisions to this section of the ordinance to provide additional mitigation. The Commission does consider alternative mitigation provisions but expects that these would provide similar water quality and habitat benefits. I have attached the mitigation requirements that appeared in earlier drafts and that I believed were going to be included in the ordinance.

If you have any questions about these comments, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Mary Ann Skilling, Department of Planning

(d) ***Mitigation Requirements for Commercial, Industrial, Institutional, Recreational and Multi-family Residential Development and Redevelopment***

Any development or redevelopment within the Buffer in an SBA requires two forms of mitigation as outlined below:

- (1) A planted bufferyard, 25 feet wide shall be established either on the project site between the new development and the water or within the Buffer on another property identified by the Town. The area of the bufferyard shall be equal to two times the area of the footprint of the development activity in the Buffer. The credit system set forth in Table 1 shall be used to determine the species and quantity of plantings in the bufferyard. The bufferyard shall be densely planted and mulched, so that mowing will not be required.
- (2) In addition to establishing a bufferyard, one of the following mitigation measures shall be implemented based on the following order of preference and the recommendations of the Planning Commission or their designee:
 - A. The applicant shall provide mitigation plantings equivalent to two times the footprint of the new development in accordance with the credit system set forth in Table 1.
 - B. Applicants who cannot comply with the planting requirement may choose to offset adverse impacts through the removal of an equivalent area of impervious surface in the Buffer or the construction of a Best Management Practice for stormwater quality.
 - C. In the event that mitigation on-site is not possible, a fee of \$2.50 per square foot shall be paid to the Town Buffer Mitigation Fund.

Judge John C. North, II
Chairman



May-Reader

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
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April 10, 2004

Ms. Lashelle Miller
Commissioners of Leonardtown
41675 Park Avenue
P.O. Box 1
Leonardtown, Maryland 20650

RE: Leonardtown Landing and Ordinance for Buffer Management Areas

Dear Ms. Miller:

I am writing in response to your letter requesting the status of the development of an ordinance for the Town of Leonardtown pertaining to Buffer Exemption Areas. I have completed a draft ordinance, included as Enclosure (1), based on the Critical Area Commission's policies for Buffer Exemption Areas and ordinances that have been reviewed and approved by the Commission in the last several months. The draft ordinance addresses all types of development, but includes different mitigation requirements for single-family residential development since this type of development generally involves less significant impacts to the Buffer.

I would like to meet with you at your convenience to discuss these provisions and how the Town could implement them. At that time, we can also discuss how they would affect the development of the Leonardtown Landings Project. If you have any questions, please contact me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. Rob Jones, Frederick Ward and Associates
Mr. Ron Russo, RAR Associates

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Section 1-124. Modified Buffer Areas (MBAs)

- (a) **Definition.** “Modified Buffer Area(s)” or “MBAs” means an area officially mapped by the local jurisdiction and approved by the Critical Area Commission as an area where special provisions for development in the 100-foot Buffer and expanded Buffer apply because it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional or recreational development in the Critical Area prevents the Buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation (as specified in COMAR 27.01.09.01.B).
- (b) **General Policy.** The provisions herein are intended to accommodate limited use of shoreline areas in certain situations while protecting water quality and wildlife habitat to the greatest extent possible.
- (c) **Applicability.** The following criteria apply to new development or redevelopment of single-family residential, commercial, industrial, institutional, recreational, and multi-family residential properties within the Buffer of tidal waters, tidal wetlands, and tributary streams. These provisions apply to lots of record at the time of original program approval or those that meet the subdivision requirements herein.
- (d) **General Standards.**
- 1) New development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces or septic systems will not be permitted in the Buffer unless the applicant can demonstrate that there is no feasible alternative, and the Town finds that efforts have been made to minimize Buffer impacts based on the following guidelines:
 - i. Development and redevelopment activities shall be located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams
 - ii. Variances to other local setback requirements shall be considered before disturbance within the Buffer
 - iii. Convenience or expense shall not be considered sufficient justification for disturbance within the Buffer
 - 2) New development (defined as development on a parcel with less than 15% impervious cover) including accessory structures, shall minimize the extent of intrusion into the Buffer. New development shall not be located closer to the water (or edge of tidal wetlands or tributary streams) than 50 feet. The 50-foot setback shall be maintained for all subsequent development or redevelopment of the property.

- 3) Redevelopment, including accessory structures, shall minimize the extent of intrusion into the Buffer. Redevelopment shall not be located closer to the water (or edge of tidal wetlands or tributary streams) than 25 feet. Existing structures located within the setback may remain or a new structure may be constructed on the footprint of an existing structure or impervious surface. Opportunities to establish a 25-foot setback should be maximized.
- 4) Existing forested areas within the Buffer shall be maintained even if they are located outside of the required setback area.
- 5) Development on or disturbance to slopes greater than 15% within the Buffer or expanded Buffer shall be prohibited.
- 6) Development and redevelopment may not impact any HPAs other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.
- 7) Modified Buffer Area designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer or to create additional buildable land for new development or redevelopment.
- 8) Any development or redevelopment in the Modified Buffer Area requires mitigation, in the form of plantings, offsets, or fees-in-lieu.
- 9) Any required reforestation/mitigation/offset areas must be designated under a development agreement or other instrument and recorded among the land records of the jurisdiction.

(e) **Standards for accessory structures on single-family residential properties.**

New accessory structures may be permitted in the Buffer in accordance with the following setback requirements:

- 1) New accessory structures may be located closer to the water or edge of tidal wetlands than the dwelling only if there are no other locations for the accessory structures.
- 2) The area of the accessory structures within the Buffer shall be minimized and the cumulative total area of all new and existing accessory structures on the property shall not exceed 500 square feet within 50 feet of the water and 1000 square feet total.
- 3) In no case shall new accessory structures be located less than 25 feet from the water (or edge of tidal wetlands).

- (f) **Mitigation.** An area of natural vegetation twice the extent of the footprint of the development activity within the Buffer and expanded Buffer shall be planted on site in the Buffer or if planting in the Buffer is not feasible, elsewhere on the project site in the Critical Area. If it is not possible to plant on the project site, then plantings may be located off-site within the Town.
- (g) **Additional mitigation requirements for commercial, industrial, institutional, recreational, and multi-family residential projects.**
- 1) For all development and redevelopment projects, a forested or landscaped bufferyard, 25 feet wide, shall be established on the project site between the development and the water. If this bufferyard is not currently forested, then it shall be densely planted with trees and shrubs in accordance with Table 1, below. The bufferyard must be protected from future development through an easement, development agreement, plat notes or other similar instrument.
 - 2) On redevelopment sites, if existing structures or those rebuilt on an existing footprint limit the area available for planting, then the width of the planted bufferyard may be modified; however the total area of the bufferyard shall be maintained.

**Table 1
Required Bufferyard Planting**

Area	Quantity and Stocking	Suggested Species
For every 100 linear feet of bufferyard	5 Trees	White or Red Oak, Pin Oak, Willow Oak, Red Maple, American Holly, Eastern Red Cedar
	and	
	10 Understory Trees/Large Shrubs,	Dogwood, Mountain Laurel, Bayberry, Shadbush, Winterberry
	and	
30 Small Shrubs	Pepperbush, Chokeberry, Strawberry Bush, Sweetspire	
and		
	40 Herbaceous Plants, Grasses, Etc.	Wild Columbine, Butterflyweed, Common Milkweed, Asters

(h) **Alternative mitigation options.**

- 1) Applicants who cannot fully comply with the planting requirements specified above may use offsets to meet the mitigation requirement. Offsets may

include the removal of an equivalent area of existing impervious surfaces in the Buffer, the construction of Best Management Practices for stormwater in addition to those required by stormwater management regulations, the creation or restoration of wetlands, the implementation of nonstructural shore erosion control measures such as marsh creation, or other measures that improve water quality or habitat.

- 2) If the Planning Commission determines that an applicant cannot comply with either the planting or offset requirements, then an applicant shall be required to pay into a fee-in-lieu program administered by the Town. The fee shall be \$2.00 per square foot of the development activity for the standard two-to-one mitigation and \$3.00 per square foot for those projects requiring both the two-to-one mitigation and the planting of a bufferyard. Fees-in-lieu collected under these provisions shall be placed in an account that will assure their use only for projects within the Critical Area for the benefit of wildlife habitat and water quality improvement.

(i) **Review and Approval Process.** Within Modified Buffer Areas, all new single-family residential, commercial, industrial, institutional, recreational, and multi-family residential development or redevelopment projects shall be submitted to the Critical Area Commission in accordance with COMAR 27.03.01.03. Mitigation plans shall be included as part of the project submission. For those projects not required to be submitted to the Critical Area Commission, the Town must document that the project complies with the provisions in this ordinance and that mitigation shall be provided. This information must be available to the Commission upon request.

(j) **Requirements for Mapping New MBAs.**

- 1) Only existing, grandfathered lots are eligible for mapping as Modified Buffer Areas by the Town unless the original parcel meets the requirements for designation as a MBA and is subdivided in accordance with the provisions herein.
- 2) For each Modified Buffer Area proposed, the area shall contain a Buffer which is, at the time of the proposal, significantly impacted by development activities that existed at the time of program adoption and that prevent the Buffer from fulfilling its functions. Developed parcels or lots shall include development in the Buffer. Undeveloped or vacant parcels or lots may be included in an area as long as the total area does not exceed six acres and at least 50 percent of the Buffer in the area as a whole is developed.
- 3) Any proposal by the Town for designation of an area as a MBA shall include, at a minimum, the jurisdiction's written findings of and supporting reasons which demonstrate the degree to which the proposed MBA does not perform each of the following Buffer functions A. through E:

- i. Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
- ii. Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, and aquatic resources;
- iii. Maintain an area of transitional habitat between aquatic and upland communities;
- iv. Maintain the natural environment of streams; and
- v. Protect riparian wildlife habitat.

(k) **Subdivision within Modified Buffer Areas.** Land in a Modified Buffer Area may be subdivided and be developed in accordance with the Modified Buffer Area provisions herein if it meets the following criteria:

- (1) The original parcel is less than six acres, and it is designated LDA or IDA.
- (2) The development meets the standards set forth above; however, the setback from tidal waters, the edge of wetlands or tributary streams for any development activity on new lots shall be increased to 35 feet. Development activity includes structures, roads, parking areas, and paved walkways. Accessory structures on the new lots may be permitted within the Buffer, but not within the minimum 35-foot setback. The total area of existing and new accessory structures per lot in the subdivision shall not exceed 1,000 square feet.
- (3) Mitigation requirements set forth in the sections above shall be met on-site through planting or protection of existing natural vegetation within the 35-foot setback. A landscape plan showing existing and proposed vegetation within the setback shall be submitted and approved as part of the subdivision review process. For projects that are required to be submitted to the Critical Area Commission for review and comment, the landscape plan shall be part of the submittal.
- (4) Any future shore erosion control on the property shall be non-structural if it is practical and effective at the proposed site. Guidance from the Maryland Department of Natural Resources and the Maryland Department of the Environment will be sought.
- (5) A 10% reduction in pollutants from stormwater will be met on-site through the construction of Best Management Practices (BMPs) unless findings are made by the County and/or the Planning Commission that the construction

of BMPs on site is not feasible because of site conditions such as soil type or depth to water table. This requirement applies to both LDA and IDA.

- (6) In order to protect water quality and minimize stormwater runoff, impervious surface area within the Buffer for the entire project site shall be reduced by 20 percent below existing conditions
- (7) If land designated as a modified buffer area is subdivided, but does not meet the above criteria for subdivision in a modified buffer area, only the parcel that retains the original primary structure will be considered a modified buffer area, and new lots or parcels would must fully comply with the Buffer provisions of the Towns' Critical Area ordinance.

Judge John C. North, II
Chairman



May - Reader

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**
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April 8, 2003

Ms. Linda Mott
Environmental Design Division
State Highway Administration
707 North Calvert Street
P.O. Box 717
Baltimore, Maryland 21203-0717

RE: Critical Area Mitigation Planting at Historic St. Mary's City

Dear Ms. Mott:

I have reviewed the latest plans and planting specifications from Ernie Peek and Paige Ohliger. It appears that most of the issues that needed attention have been addressed; however, there are still a few items that need to be clarified as outlined below:

Area A

The New Area Calculations indicate that all of Areas A3 and A4 will be replanted. Planting in this area should be designed to accommodate the new pathway, but is not to serve as landscaping for the pathway. Separate mitigation plantings will be required for the pathway project because it involves impacts within the 100-foot Buffer. The number and location of the plantings will be determined when the Critical Area Commission reviews the pathway project.

As you proposed in your e-mail, the additional 2,804 square feet of planting that was originally proposed for a separate location may be added to Area A in order to provide a closer spacing of the plants and to facilitate maintenance. This will increase the quantities in Areas A1 and A2 as follows; however, the plants may be located anywhere in Area A:

Areas A1 and A2

Trees:

- 5 *Cercis Canadensis*
- 5 *Cornus florida*
- 3 *Quercus stellata*
- 4 *Liriodendron tulipifera*

Total

17

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Shrubs:

12 ***Myrica pennsylvanica***
9 ***Rosa Carolina***
12 ***Cornus amomum***
8 ***Ilex glabra***
12 ***Viburnum acerfolium***

Total

53

Area B

Area B is acceptable as proposed. It should be noted that in Area B, tree locations will need to be specifically identified in the field by Historic St. Mary's City staff.

Area C

Area C is acceptable as proposed.

Area D

Area D15 should indicate full credit for an area that is ten (10) feet wide by 170 feet long for a credit of 1,700 square feet. Because of archaeological resources in the area, this area is proposed for primarily shrub planting, and Area D has been amended to include 7 trees. Four large trees (10 feet to 14 feet high) are proposed in the locations that have been evaluated by Historic St. Mary's City staff, and three sassafras trees may be planted in Areas D14 and D15. All other plantings in this area should be shrubs. I have discussed this area with Mary Alves, and we agree that the density of planting in this area should be increased in order to provide a closer spacing of the plants and to facilitate maintenance. This will increase the quantities as noted in bold as follows:

Shrubs:

16 ***Ilex glabra***
36 ***Rosa carolina***
24 ***Rosa virginiana***
24 ***Vaccinium angustifolium***
16 ***Myrica pennsylvanica***
12 ***Aronia arbutifolia***
12 ***Lindera benzoin***
12 ***Rubus occidentalis***
6 ***Viburnum dentatum***
18 ***Clethra alnifolia***
18 ***Hamamelis virginiana***
9 ***Viburnum acerfolium***
9 ***Ceanothus americanus***
7 ***Kalmia latifolia***

Total

219

Ms. Mott
April 8, 2003
Page 3

It is my understanding that plants for Areas A1 and A2, Area B, Area C, and Area D are proposed to be ordered now for spring planting. If this planting is to be accomplished by late May, it is very important that the herbicide spraying take place as soon as possible. As we discussed, two applications of herbicide are necessary to ensure that the complete eradication of vines and invasives will be successful. The plants for Areas A3 through A4 are proposed to be ordered later this summer for fall planting. This will allow the design of the new walkway to be incorporated into the planting scheme for these areas. It is my understanding that survival of the plants will be guaranteed for one year from the delivery date.

Thank you for your continued cooperation with the development of this mitigation plan. If you have any questions, please feel free to call me at (410)260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Mary Alves, HSMC
Ms. Paige Ohliger

Judge John C. North, II
Chairman



Mary Reader

Ren Serey
Executive Director

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March 12, 2003

Mr. Tom Deming
506 Sunwood Lane
Annapolis, Maryland 21401

RE: Critical Area Commission Growth Allocation Policy

Dear Mr. Deming:

I am writing to follow up on our telephone conversation earlier today regarding the proposed revisions to the Critical Area Commission Growth Allocation Policy. These revisions were presented in Program Subcommittee memos dated November 6, 2002 and December 4, 2002. As we talked about, the Program Subcommittee discussed revisions to the policy at both the November 6, 2002 and December 4, 2002 Commission meetings; however, no action was taken by the Commission. Following the December 4 meeting, the Program Subcommittee did not request further action on the matter; therefore, there has been no further discussion or official action by the Commission regarding revisions to the policy.

If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens, Chief
Program Implementation Division

cc: Mr. John Markovich, M-NCPPC
Ms. Careen Wallace, M-NCPPC

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Judge John C. North, II
Chairman



MARY-READER

Ren Serey
Executive Director

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February 27, 2003

Ms. Karen S. Hilton, AICP
City of Baltimore Department of Planning
417 E. Fayette Street, 8th Floor
Baltimore, Maryland 21202-3433

RE: City of Baltimore Computer Database

Dear Ms. Hilton:

I am writing in response to your letter regarding the proposed reconfiguration of the City of Baltimore Critical Area Database. I have discussed the database requirements relative to the provisions in COMAR Section 27.03.01.04, "Requirements for Semi-Annual Information on Developments and Subdivisions Within the Critical Area" with Mr. Duncan Stuart.

Pursuant to our discussion, I believe that the database requirements could be further streamlined because the majority of projects in Baltimore City do not involve the subdivision of land. For projects that do not involve subdivision, the following information is required:

- 1) Name and address of property owner;
- 2) Tax map, block, and parcel data;
- 3) Critical Area designation of the property before development;
- 4) Total acreage of the property;
- 5) Total acreage of land disturbed on developed property; and
- 6) Type of development proposed (residential, commercial, industrial, redevelopment, mixed, etc.).

For the few projects that do involve subdivision, I believe that the additional required information could be included in a "comments" or "notes" field in the database, which should

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Ms. Hilton
February 27, 2003
Page 2

make it easier to enter and manipulate the data. The following additional information is required for projects involving subdivision:

- 1) Name and address of developer;
- 2) Total number of lots created;
- 3) Total number of dwelling units to be developed;
- 4) Range of lot sizes (acres);
- 5) Average size of building lots (acres);
- 6) Linear waterfrontage of the property before subdivision (feet).

I hope this information is helpful in your streamlining efforts. If you have any questions, please feel free to contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Ms. Regina Esslinger
Ms. Dawn McCleary
Mr. Duncan Stuart

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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February 3, 2003

Ms. Patricia Farr
Baltimore County DEPRM
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

**RE: Holly Neck Limited Partnership
Draft Growth Allocation Plan**

Dear Ms. Farr:

I want to thank you for meeting with Commission staff and providing additional information about the Holly Neck Development Proposal. The purpose of this letter is to follow up on some of the issues that we discussed relative to the growth allocation request and to document some of the additional information that will be needed. The following issues will affect the design of the project:

1. It is my understanding that two areas of the property are developed with small cottages which were constructed many years ago and existed prior to the adoption of the County's Critical Area Program. Based on the preliminary information that has been presented, it appears that these two areas were incorrectly mapped as Resource Conservation Areas (RCA), and that they would have been more appropriately mapped as Limited Development Areas (LDA). Situations like this can be rectified by proposing a mapping amendment to change the Critical Area designation on the basis that a mistake was made at the time of the original mapping. This project involves the use of a significant amount of the County's remaining growth allocation, therefore, it is strongly recommended that the County explore the possibility of changing the designation of these two areas through the correction of a mapping mistake in order to minimize the use of growth allocation.
2. It appears from the information presented that approximately 30 of the proposed lots will include portions of the 100-foot Buffer. Because the lots are generally smaller than one-

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half acre, it seems likely that it may be extremely difficult to establish and maintain the Buffer in natural vegetation and minimize human activity in the area. It is likely that the Commission may require a Buffer Management Plan for the project as part of the approval of the growth allocation request. Buffer Management Plans are generally most effectively implemented when the Buffer is not part of individually owned lots. More extensive use of "clustering" or the incorporation of townhouses or luxury garden apartments into the project would afford greater opportunities to protect the Buffer.

3. The preliminary calculations indicate that the project has an overall impervious surface area coverage of approximately 14.9%. These calculations appear to include only the dwellings and relatively small driveways on each lot. The calculations do not appear to include new access roads associated with the project or any area for detached accessory structures or minor additions; therefore, it is likely that in the future, a property owner may request a variance to exceed the impervious surface limit. As you know, this situation has occurred elsewhere and the Commission cannot support such a variance for a new lot. It is strongly recommended that the applicant explore the incorporation of some townhouses or luxury garden apartments into the project as a way to reduce the impervious surface coverage of the project, so that accessory buildings and future additions can be accommodated. Alternatively, a reduction in the overall number of units would also provide more flexibility regarding the impervious surface coverage on each lot and in the project as a whole.
4. The project as designed indicates that each lot will be developed with an impervious surface area of 25% of the lot. This situation does not allow for any additional impervious surface to be constructed, and property owners and the County may find that even modest improvements such as stairways, sidewalks, and patios result in violations.
5. The draft environmental report prepared by D.S. Thaler and Associates does not provide detailed information on Habitat Protection Areas, specifically information on the habitats of Threatened and Endangered Species and Species in Need of Conservation. The applicant should contact the Heritage Division of the Department of Natural Resources (Ms. Lori Byrne) for information regarding this site. Additional field survey work may be recommended by the Department.
6. The concept plans do not provide information on stormwater management. Best Management Practices for stormwater quality in accordance with the County's stormwater regulations will be required. With regard to projects that involve the use of growth allocation, COMAR 27.01.02.07.B(4) states that, "New intensely developed areas and limited development areas should be located in order to minimize impacts to habitat protection areas as specified in COMAR 27.01.09 and in an area **and in a**

manner that optimizes benefits to water quality.” It is likely that the Commission will want to review and consider the proposed design for stormwater management as part of their consideration of the use of growth allocation for the project.

7. Section 26-449(c) of the Baltimore County Code states that, “The buffer shall be expanded to three hundred (300) feet landward from the mean high water line of tidal waters, tidal wetlands and streams for new residential developments of more than five (5) dwelling units in LDAs and RCAs. The buffer may be reduced to the minimum noted in section 26-449(a) or to the extent of the expanded buffer noted in section 26-449(b), whichever is greater, if the following conditions are satisfied:
- (1) The three-hundred-foot-area does not contain contiguous forest habitat which drains into tidal wetlands, tidal water or a stream;
 - (2) The three-hundred-foot-area does not provide breeding habitat for forest interior dwelling bird species as defined in the Chesapeake Bay Critical Area Commission Guidance Paper Number 3, dated July, 1986 and as may be amended; and
 - (3) The director of the department of environmental protection and resource management determines that greater water quality or habitat benefits could be achieved through other site specific measures.

It is my understanding that 75 of the 110 units proposed are located within the three-hundred-foot buffer, and it is not clear that the requirements for a reduction to the minimum buffer have been met. There **does** appear to be contiguous forest habitat which drains into tidal wetlands, tidal waters and streams, so it would seem difficult to meet the condition set forth in 26-449(c)(1) above. In addition, it is not clear that the project involves any site specific measures that would provide greater water quality and habitat benefits than a three-hundred-foot buffer. Additional information and analysis is needed.

8. It is my understanding that the project as designed involves some impacts to the 100-foot Buffer and the three-hundred-foot buffer. New development activities are prohibited within the 100-foot Buffer, and the Critical Area Commission would not support a variance because the applicant would not be able to meet the unwarranted hardship standard. It is my understanding that if the applicant cannot meet the standards set forth above for development in the three-hundred-foot buffer, the County may require a variance for those impacts. A variance to the three-hundred-foot buffer required by the Baltimore County Code could potentially be supported by the Commission if the County finds that impacts have been minimized. The Commission generally recommends three-to-one mitigation for all variances approved in the Critical Area.

Ms. Farr
February 3, 2003
Page 4

Thank you for the opportunity to provide preliminary comments on this proposal. The comments included here pertain primarily to the growth allocation request and do not include specific comments on the subdivision plan. Additional requirements will be provided on the subdivision plan upon your request. I hope this list of issues will facilitate timely and effective development of the project design and resolution of all the issues that have been identified. If you have any questions, you may contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

cc: Wanda Cole, CAC
Regina Esslinger, CAC
Ren Serey, CAC

Mary-Leader

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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January 13, 2003

Mayor Rippons and City Commissioners
City of Cambridge
307 Gay Street
P.O. Box 255
Cambridge, Maryland 21613

**RE: Growth Allocation Request
Jenkins Creek Subdivision**

Dear Mayor Rippons and Commissioners:

I am writing to follow up on a discussion that I had with Mr. Roby Hurley, Circuit Rider for the City of Cambridge, regarding the Critical Area Commission's position regarding the use of 15.42 acres of growth allocation to change the Critical Area designation of the Jenkins Creek Subdivision from Limited Development Area (LDA) to Intensely Developed Area (IDA). It is my understanding that this proposal is currently being reviewed by the City Council of Cambridge.

In the last year and a half, variances to exceed the 15% impervious surface limit have been requested for two of the 22 lots in the subdivision. Both of these variances were opposed by the Commission because they involved lots that were not grandfathered, and the subdivision had been designed, recorded, and developed under the current Critical Area regulations with the developer's full knowledge of the 15% impervious surface limit. It is the Commission's position that this type of variance does not meet the unwarranted hardship standard and cannot be approved. Because the lots are similar in size, and it seems likely that similar development will be proposed on all of the lots, it appears likely that additional variances will most likely be requested.

As we discussed, a more appropriate remedy to address the problems with the impervious surface limit would be to use growth allocation to change the Critical Area designation of the subdivision from LDA to IDA. As you know, impervious surface area is not limited to 15% within IDA, and impacts associated with development are mitigated through the use of Best Management Practices for stormwater. The granting of additional variances by the City of Cambridge Board of Zoning Appeals would be opposed by the Commission and does not meet the spirit and intent of the City's Critical Area Program. Additionally, the use of growth

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Mayor Rippons
January 13, 2003
Page 2

allocation to change the designation of the lots to IDA would relieve the property owners of the burden of preparing detailed site plans for the Board's review, hiring a lawyer, and potentially experiencing costly delays while the variance is processed.

Based on the information that you have provided to Commission staff, I believe that the Commission would support the use of growth allocation for Jenkins Creek Subdivision as an appropriate and consistent use of growth allocation and a preferable alternative to the possible approval of future variances that do not meet the unwarranted hardship standard.

Thank you for the opportunity to discuss this proposal. If you or the City Council have any questions, you may contact me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

Mary-Reader

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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MEMORANDUM

DATE: December 31, 2002
TO: Mark Spencer and Barbara Grey, Resource Planning
FROM: *mo* Mary Owens, Critical Area Commission
SUBJECT: 2002-DNR-229, Chapman's Forest Land Unit Plan - Draft
(9-02 DNR)

Thank you for providing the referenced draft Land Unit Plan for Chapman's Forest to the Commission staff for review. I have reviewed the information, and I have the following comments:

1. On page 15, in the section "General Resource Management Recommendations" regarding the Critical Area (first bullet in second set of bullets), revise as follows:

"All improvements and development activities within the Critical Area (1,000 feet from tidal waters and tidal wetlands) will comply with all of the regulations established by the Critical Area Act and Criteria. Formal approval of all development projects by the Critical Area Commission will be required."

2. On page 16, in the section "Management Recommendations," I would suggest adding the following language, which summarizes the goals of the Critical Area Program:

"Within the Critical Area portions of the property, fish, wildlife, and plant habitat shall be protected and adverse impacts on water quality from stormwater run-off shall be minimized. Development activities shall accommodate the needs of park users, but shall be designed to address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

3. On page 18, in the section "Management Recommendations, regarding the Critical Area (third bullet), revise as follows:

3. On page 18, in the section "Management Recommendations, regarding the Critical Area (third bullet), revise as follows:

"Comply with all Critical Area regulations: non-water dependent uses are not permitted within the Critical Area **BUFFER OR EXPANDED BUFFER**; reasonable accommodations ..."

4. On page 18, in the section "Environmentally Sensitive Areas," I would suggest including "rare, threatened, and endangered species and their habitats" in the list of resources to be protected.

Critical Area Commission**STAFF REPORT**

March 5, 2003

APPLICANT: Department of Natural Resources and the Greenwell Foundation

PROPOSAL: Rosedale Manor ADA Accessibility Improvements at Greenwell State Park

JURISDICTION: St. Mary's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Mary Owens

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in Development on State-Owned Lands

DISCUSSION:

This project involves both modifications to the interior and the exterior of the Rosedale Manor House, which is a large dwelling with local historic significance located at Greenwell State Park in St. Mary's County. Greenwell State Park consists of approximately 600 acres, and one of the primary goals of the park is to provide gathering and meeting facilities, access to the water and recreational opportunities for those with disabilities. The Rosedale Manor House, as a focal point for the park, is frequently used for meetings, receptions, and special events; however, it is currently not ADA accessible. This situation causes inconvenience for disabled users and potentially hazardous conditions in the event of a fire or emergency. The purpose of the project is to improve overall accessibility to and within the Rosedale Manor House and surrounding lawn and garden areas.

The project includes four elements that involve development within the Critical Area. The most significant element is the construction of new entrance ramps, stairs, and walkways at the main entrance to the Manor House. This modification has been carefully designed to provide reasonable access to those with disabilities while not significantly altering the appearance of the front of the building relative to its local historic significance. The proposed design will also allow for the preservation of several large boxwoods. The Maryland Historic Trust has reviewed the proposed design and determined that it is acceptable.

The second element of the proposed project involves the construction of entrance ramps and a walkway to the eastern side entrance of the Manor House and a walkway extending to a patio.

overlooking the Patuxent River. Approximately 288 square feet of new impervious area will be constructed in the expanded Buffer in order to provide access to an existing brick patio. This entrance is located in the main gathering area in the Manor House and is critical to providing safe fire egress.

The third element of the project involves the construction of a 54 square foot addition to provide for the installation of a small lift in the interior of the Manor House. The addition has been located and designed to work with the existing lay-out within the Manor House and to minimize impacts to several large existing boxwoods.

The fourth component of the project is the construction of a ramp to provide ADA access and fire egress to the western wing and porch area of the Manor House. This part of the project involves the construction of 87 square feet of new impervious area within the 100-foot Buffer. This element of the project will ensure that the entire Manor House, including the kitchen and a smaller gathering area, are ADA accessible.

Two elements of this project are located within the expanded Buffer in order to provide accommodations for those with disabilities. In the spring of 2000, the Critical Area Act (§8-1808.1 of the Annotated Code of Maryland) was amended to allow local governments to include provisions in policies and procedures to address this type of development. It is reasonable to assume that similar flexibility can be afforded to State projects; therefore, conditional approval of this project is not required.

The Department of Natural Resources is proposing to provide three-to-one mitigation in the form of plantings for the 375 square feet of impacts within the Buffer and expanded Buffer. Four trees and fifteen shrubs will be planted within the expanded Buffer in the area near the eastern side entrance to the Manor House.

All components of the project will be constructed in an existing developed area, and there are no known threatened or endangered plant or animal species that will be affected by the project. There are no tidal or nontidal wetland impacts associated with the project.

This project is consistent with COMAR 27.02.05, the Commission's regulations for State projects on State lands.

CRITICAL AREA NOTES:

SIZE OF PROPERTY: 606 ACRES (345 ACRES IN THE CRITICAL AREA)

PROPOSED CLEARING: 0 sf

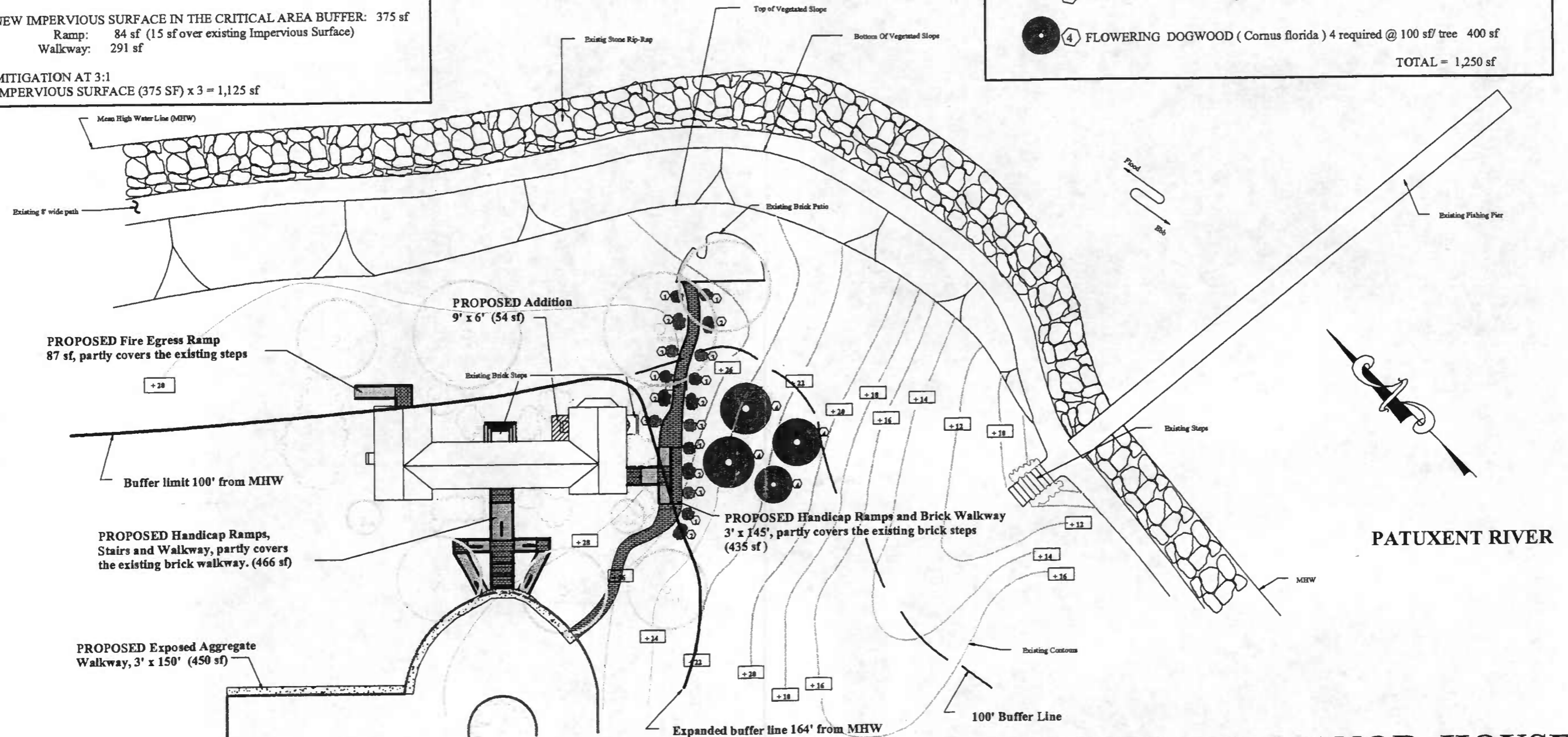
EXISTING IMPERVIOUS SURFACE IN THE CRITICAL AREA BUFFER IN THE VIVINITY OF THE ROSEDALE MANOR HOUSE: 550 sf

PROPOSED NEW IMPERVIOUS SURFACE IN THE CRITICAL AREA BUFFER: 375 sf
 Ramp: 84 sf (15 sf over existing Impervious Surface)
 Walkway: 291 sf

REQUIRED MITIGATION AT 3:1
 PROPOSED IMPERVIOUS SURFACE (375 SF) x 3 = 1,125 sf

MITIGATION PLANTING SCHEDULE

- ① RED CHOKEBERRY (Aronia arbutifolia) 6 required @ 50 sf/ plant 300 sf
 - ② SWEET PEPPERBUSH (Clethra alnifolia) 6 required @ 50 sf/ plant 300 sf
 - ③ NATIVE AZALEAS 3 required @ 50 sf/ plant 150 sf
 - ④ FLOWERING DOGWOOD (Cornus florida) 4 required @ 100 sf/ tree 400 sf
- TOTAL = 1,250 sf



ROSEDALE MANOR HOUSE

GREENWELL STATE PARK

(Scale: 1" = 40')



State of Maryland
 Department of Natural Resources
 Engineering & Construction

Greenwell State Park

Rosedale Manor House
 ADA Renovations and Walkways

Project Number:
 P-000-000-000
 Date: January 2003
 Drawing Number:
 1
 Sheet 1 of 1